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GENERAL LAWS

PASSED BY THE

LEGISLATURE OF WISCONSIN

IN THE YEAR 1868,

TOGETHER WITH

JOINT RESOLUTIONS AND MEMORIALS.

PUBLISHED BY AUTHORITY.

MADISON, WIS.:
ATWOOD & RUBLEE, STATE PRINTERS, JOURNAL OFFICE.
1868.

LIST OF MEMBERS AND OFFICERS.

"SECTION 1. * * * There shall be prefixed to each volume of the laws hereafter published, the names and residences of the several state officers, the senators and members of the assembly, and the presiding officers and clerks of both branches of the legislature, at the time of the passage of such laws."—*General Laws of* 1854, *chapter* 94.

NAMES AND RESIDENCES

OF THE STATE OFFICERS, SENATORS, MEMBERS OF THE ASSEMBLY, PRESIDING OFFICERS AND CLERKS OF BOTH BRANCHES OF THE LEGISLATURE, IN OFFICE AT THE TIME OF THE PASSAGE OF THE LAWS CONTAINED IN THIS VOLUME.

NAME.	OFFICE.	RESIDENCE.	
		Postoffice.	*County.*
Lucius Fairchild,	Governor,	Madison,	Dane.
Wyman Spooner,	Lieut. governor,	Elkhorn,	Walworth.
John C. Spooner,	Private sec'y gov'nr,	Madison,	Dane.
Thomas S. Allen,	Secretary of state,	Mineral Point,	Iowa.
Eli A. Spencer,	Ass't sec'y of state,	Sun Prairie,	Dane.
William E. Smith,	State treasurer,	Fox Lake,	Dodge.
Chauncey H. Purple,	Ass't state treasurer,	Waukesha,	Waukesha.
Charles R. Gill,	Attorney general,	Watertown,	Jefferson.
G. H. Bryant,	Ass't attorney gen'l,	Lake Mills,	Jefferson.
A. J. Craig,	State superintendent,	Palmyra,	Jefferson.
J. B. Pradt,	Ass't state sup't,	Madison,	Dane.
Jeremiah M. Rusk,	Bank comptroller,	Viroqua,	Vernon.
David B. Ramsey,	Bank register,	Milwaukee,	Milwaukee.
Henry Cordier,	State prison com'r,	Waupun,	Dodge.
O. M. Conover,	State librarian,	Madison,	Dane.
A. A. Meredith,	Sup't public prop'ty,	Madison,	Dane.
DIST.			
1. R. H. Hotchkiss,	Senator,	Plymouth,	Sheboygan.
2. W. J. Abrams,	do	Green Bay,	Brown.
3. Lyman Morgan,	do	Ozaukee,	Ozaukee.
4. Adam Schantz,	do	Addison,	Washington.
5. H. L Palmer,	do	Milwaukee,	Milwaukee.
6. C. H. Larkin,	do	Milwaukee,	Milwaukee.
7. Henry Stevens,	do	Caledonia Center,	Racine.

NAME.	OFFICE.	RESIDENCE.	
		Postoffice.	*County.*
DIST.			
8. Anth'y Van Wyck	Senator,	Kenosha	Kenosha.
9. D. W. C. Wilson	do	Sparta	Monroe.
10. Curtis Mann	do	Oconomowoc	Waukesha.
11. C. E. Warner	do	Windsor	Dane.
12. N. M. Littlejohn	do	Whitewater	Walworth.
13. James H. Earnest	do	Shullsburg	La Fayette
14. S. S. Barlow	do	Delton	Sauk.
15. Joel Whitman	do	Dodgeville	Iowa.
16. Geo. C. Hazelton	do	Boscobel	Grant.
17. S. J. Todd	do	Beloit	Rock.
18. H. W. Lander	do	Beaver Dam	Dodge.
19. George Reed	do	Manitowoc	Manitowoc.
20. Ed. S. Bragg	do	Fond du Lac	Fond du Lac.
21. W. G. Ritch	do	Oshkosh	Winnebago.
22. William Young	do	Medina	Outagamie.
23. G. T. Thorn	do	Jefferson	Jefferson.
24. Henry Adams	do	Monticello	Green.
25. R. B. Sanderson	do	Poynette	Columbia.
26. Carl Habich	do	Madison	Dane.
27. E. L. Browne	do	Waupaca	Waupaca.
28. W. J. Copp	do	Prescott	Pierce.
29. H. G. Webb	do	Wautoma	Waushara.
30. Wm. Ketcham	do	Richland City	Richland.
31. J. W. Ranney	do	West Salem	La Crosse.
32. A. W. Newman	do	Trempealeau	Trempealeau.
32. Satterlee Clark	do	Horicon	Dodge.
Thomson, A.M., speak'r	Member of Assembly.	Janesville	Rock.
Abert, George	do	Milwaukee	Milwaukee.
Ayers, D. Cooper	do	Fort Howard	Brown.
Barber, Silas	do	Waukesha	Waukesha.
Barnes, H. W.	do	Eau Claire	Eau Claire.
Barron, H. D.	do	Falls St. Croix	Polk.
Barron, W. C. S.	do	Loyd	Richland.
Benson, Lewis M.	do	Lowell	Dodge.
Bohne, John H.	do	Memee	Manitowoc.
Bottum, H. C.	do	W. Rosendale	Fond du Lac.
Birchard, Mat.	do	Fennimore	Grant.
Burr, Benjamin	do	Stevens Point	Portage.
Bushnell, M. C.	do	Omro	Winnebago.
Buxton, Luther	do	Oshkosh	Winnebago.
Carter, A. M.	do	Johnstown	Rock.
Carter, J. W.	do	New London	Waupaca.
Chase, Henry	do	Chaseburg	Vernon.
Chase, Seth A.	do	Fond du Lac	Fond du Lac.
Cole, Samuel	do	Gratiot	La Fayette.
Colomy, George W.	do	Alderly	Dodge.
Conger, D. B.	do	Fond du Lac	Fond du Lac.
Conner, Lawrence	do	Fox Lake	Dodge.
Davies, D. C.	do	Portage	Columbia.
Dodge, J. E.	do	Lancaster	Grant.

NAME.	OFFICE.	RESIDENCE.	
		Postoffice.	*County.*
Donovan, Richard....	Member of Assembly.	Manitowoc.....	Manitowoc.
Drew, Patrick.....	.....do.....	Milwaukee	Milwaukee.
Dyer, Chas. E.....	.....do.....	Racine	Racine.
Eugene, John B.....	.....do.....	Green Bay.....	Brown.
Fellenz, John.....	.....do.....	Milwaukee.....	Milwaukee.
Fisher, James.....	.....do.....	Eastman	Crawford.
Folts, Jonas.....	.....do.....	Bark River.....	Jefferson.
Ford, Ira H.....	.....do.....	Columbus.....	Columbia.
Fulton, M. A.....	.....do.....	Hudson	St. Croix.
Gault, Frank.....	.....do.....	Mendota	Dane.
Gillespie, John.....	.....do.....	Dellona.....	Sauk.
Gilmore, H. L.....	.....do.....	North Cape.....	Racine,
Goodrich, Chas. P....	.....do.....	Christiana.....	Dane.
Goodwin, Chas. E....	.....do.....	Mayville	Dodge.
Graves, Geo. S.....	.....do.....	Sheboygan Falls...	Sheboygan.
Holly, Alanson.....	.....do.....	Kilbourn City.....	Columbia
Holt, Eleazer.....	.....do.....	Maiden Rock.....	Pierce.
Horn, F. W.....	.....do.....	Cedarburg.....	Ozaukee.
Howell, Henry S.....	.....do.....	Watertown.....	Jefferson.
Hudd, Thomas R.....	.....do.....	Appleton.....	Outagamie.
Hunt, Chas. A.....	.....do.....	Melvina	Monroe.
Hunt, Samuel W.....	.....do.....	Menomonee.....	Dunn.
Kelly, R. C.....	.....do.....	Brandon.....	Fond du Lac.
Kendall N. W.....	.....do.....	Wyalusing.....	Grant.
Kershaw, Wm. J.....	.....do.....	Big Spring.....	Adams.
Kilgore, Moses.....	.....do.....	Bailey's Harbor...	Door.
Kleffler, Geo. H.....	.....do.....	West Bend.....	Washington.
Klotz, Nicholas.....	.....do.....	Eden	Fond du Lac.
Lowrey, Goodwin.....	.....do.....	Helena Station....	Iowa.
Lyon, Joseph F.....	.....do.....	Darien.....	Walworth.
McGrath, James M....	.....do.....	Milwaukee.....	Milwaukee.
Manley, Ira, Jr.....	.....do.....	Markesan	Green Lake.
Mason, Jacob.....	.....do.....	Monroe	Green.
Maxon, D. W.....	.....do.....	Cedar Creek.....	Washington.
Moser, C., Jr.....	.....do.....	Alma.....	Buffalo.
Muehl, Adam.....	.....do.....	St. Martin.....	Milwaukee.
Neaville, James H....	.....do.....	Potosi.....	Grant.
Nelson, Knute.....	.....do.....	Cambridge	Dane.
Nicholls, John.....	.....do.....	Trempealeau.....	Trempealeau
O'Neal, James.....	.....do.....	Neillsville.....	Clark.
O'Rourke, John.....	.....do.....	Kildare	Juneau.
Parker, Chas. H.....	.....do.....	Beloit.....	Rock.
Peterson, C. H. M....	.....do.....	New Holstein.....	Calumet.
Pierce, Albert H.....	.....do.....	Monticello.....	Green.
Pole, Charles.....	.....do.....	Shullsburg.....	La Fayette.
Prentiss, Wm. A.....	.....do	Milwaukee.....	Milwaukee.
Priest, D. B.....	.....do.....	Viroqua.....	Vernon.
Ray, George A.....	.....do.....	La Grange.....	Walworth.
Rewey, Jefferson W..	.....do.....	Mifflin.....	Iowa.
Reynolds, James.....	.....do.....	Milwaukee.....	Milwaukee.
Richards, Daniel H...	.....do.....	Milwaukee.....	Milwaukee.

NAME.	OFFICE.	RESIDENCE.	
		Postoffice.	*County.*
Robbins, Hanmer....	Member of assembly.	Platteville.....	Grant.
Rodolf, Theodore.....	.....do.....	La Crosse.....	La Crosse.
Runkel, Henry C.....	.....do.....	Milwaukee.....	Milwaukee.
Russel, Francis	.....do.....	Westfield	Marquette.
Sears, Edgar.....	.....do.....	Pine River.....	Waushara.
Shibley, Jacob B.....	.....do.....	Bassett's Station..	Kenosha.
Silverthorn, W. C....	.....do.....	Wausau.....	Marathon.
Smith, Jno. Andrews.	.....do.....	Geneva.....	Walworth.
Smith, Jno. Andrew..	.....do.....	Glenbulah.....	Sheboygan.
Smoke, David.....	.....do.....	Manitowoc.....	Manitowoc.
Sprague, Burr.....	.....do.....	Orfordville.....	Rock.
Stephenson, Isaac....	.....do.....	Marinette.....	Oconto.
Struve, F. G. L.....	.....do.....	Helenville.....	Jefferson.
Sullivan, John.....	.....do.....	Ten Mile House...	Milwaukee.
Thompson, Wm.....	.....do.....	Oconomowoc.....	Waukesha.
Tollefson, Gunnuf....	.....do.....	Mount Vernon....	Dane.
Trask, G. W.....	.....do.....	Winneconne.....	Winnebago.
Vilas, Levi B.....	.....do.....	Madison.....	Dane.
Wagner, Joseph.....	.....do.....	Moria.....	Fond du Lac.
Waller, N. P.....	.....do.....	West Salem.....	La Crosse.
Walsh, Patrick.....	.....do.....	Hill's Corners.....	Milwaukee.
Waterbury, James I..	.....do.....	Prairie du Sac....	Sauk.
Wedig, Joseph.....	.....do.....	Sheboygan.....	Sheboygan.
Whitford, W. C.....	.....do.....	Milton.....	Rock.
Williams, Nelson.....	.....do.....	Stoughton.....	Dane.
Wyman Spooner,.....	Lt. gov. & pres't sen.	Elkhorn.....	Walworth.
N. M. Littlejohn,.....	Pres't senate *pro tem.*	Whitewater.....	Walworth.
A. M. Thomson,.....	Speaker of assembly.	Janesville.....	Rock.
L. B. Hills,.....	Chief clerk of senate.	Waupun.....	Dodge.
J. S. Wilson,.....	Ass't clerk senate,..	Richland Center..	Richland.
E. W. Young,.....	Chief clerk assembly.	Prairie du Sac....	Sauk.
W. M. Newcomb,.....	Ass't clerk assembly.	Darlington.....	La Fayette.

NOTE.—Where a superfluous word has been found in the enrolled bill, it has been printed in the text, but in italics, and inclosed in parenthesis, (*thus*) Where a word has been found necessary to sustain the sense of the context, or where one word has been obviously mistaken for another, the word supposed to be proper has been supplied, but in brackets, [thus.]

GENERAL LAWS.

CHAPTER 1.

[*Published January* 25, 1868.]

AN ACT to provide for the purchase of two hundred copies of Webster's unabridged dictionary.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The state superintendent of public instruction is hereby authorized to purchase on behalf of the state, two hundred copies of Webster's unabridged dictionary, at a cost not to exceed eight dollars per copy. May purchase Webster's dictionary.

SECTION 2. Such dictionaries when obtained shall be distributed to the school districts of this state in accordance with the provisions of chapter sixteen and chapter thirty-two of the general laws of 1867. How distributed.

SECTION 3. There is hereby appropriated out of the income of the school fund, a sum of money sufficient to pay for the dictionaries provided for in this act, and the state superintendent shall certify to the secretary of state the amount of such expenditure. How to be paid for.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved January 24, 1868.

CHAPTER 2.

[*Published January* 25, 1868.]

AN ACT to repeal sections one and two of chapter 44, of the laws of 1866, entitled "an act to limit the number of officers and employees of the legislature."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repealed.

SECTION 1. Sections one and two of chapter 44 of the laws of 1866, (*an act*) entitled "an act to limit the number of officers and employees of the legislature" is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved January 24, 1868.

CHAPTER 3.

[*Published January* 25, 1868.]

AN ACT to repeal chapter 37 of the general laws of 1867, entitled "an act to amend section one of chapter 364, of the general laws of 1865," entitled "an act for the encouragement and protection of the wool growing interests of this State."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repealed.

SECTION 1. Chapter 364 of the laws of 1865, entitled "an act for the encouragement and protection of the wool growing interest in this state," and all acts amendatory thereof, are hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved January 25, 1867.

CHAPTER 4.

[*Published January* 30, 1868.]

AN ACT to amend chapter one hundred and twenty-five of the revised statutes, entitled "of pleadings in civil actions."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section eleven of chapter one hundred and twenty-five of the revised statutes, entitled "of pleadings in civil actions," is hereby amended by adding thereto the following: Chap. 5, R. S. amended.

3. When the plaintiff is a non-resident of this state, such counter claim may arise out of any cause of action whatever existing at the time of the commencement of the action and arising within this state: *provided*, that no claim assigned to the defendant shall be pleaded as a counter claim in any action to which this subdivision is applicable. Non-resident plaintiff may plead counter claim.

SECTION 2. This act shall apply to all cases now pending, and any such counter claim shall be held admissible and valid in whatever court the action may be pending; or the answer shall be amended to plead the same, on application by such defendant in any court. Application of act.

SECTION 3. That act shall take effect from and after its passage and publication.

Approved January 30, 1868.

CHAPTER 5.

[*Published February* 4, 1868.]

AN ACT to amend section one of chapter 60 of the revised statutes, being an act entitled "of bills of exchange and promissory notes."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter sixty of the revised statutes, shall read as follows: All notes in writ- Sec. 1, chap. 60, R. S. amended.

ing, made and signed by any person or for any corporation, and all certificates of the deposit of money issued by any person or corporation, whereby he or it shall promise to pay to any person or order, or unto the the bearer any sum of money, as therein mentioned, shall be due and payable as therein expressed, and shall have the same effect and shall be negotiable in like manner as inland bills of exchange, according to the custom of merchants.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved January 30, 1868.

CHAPTER 6.

[*Published February 4, 1868.*]

AN ACT to amend section 1 of chapter 133 of the general laws of 1865, entitled "an act relating to the terms of the circuit court of the fifth judicial circuit, and amendatory of chapter 15 of the general laws of 1865."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Sec. 1, chap. 133, laws of 1865, amended.

SECTION 1. Section one of chapter 133 of the general laws of 1865, entitled "an act relating to the terms of the circuit court of the fifth judicial circuit, and amendatory of chapter 15 of the general laws of 1865," is hereby amended so as to read as follows: "Hereafter the general and special terms of the circuit court of the fifth judicial circuit shall be held as follows: In the county of Grant on the first Monday in March and second Monday in September of each year; in the county of Iowa on the fourth Monday in March and first Monday of October of each year; in the county of La Fayette on the fourth Monday in April and the first Monday in December; in the county of Richland on the second Monday in April and the fourth Monday in October, and in the county of Crawford on the first Monday in June and the second Monday in November of each year as aforesaid: *provided*, that at any term of

the circuit court in either of said counties, motions and demurrers pertaining to actions or proceedings pending in the circuit court of any other of said counties may be noticed for argument, heard and determined, and the judgment and orders thereon shall be entered in the records of the proper court as of the term preceding their entry."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved January 30, 1868.

CHAPTER 7.

[*Published February* 8, 1868.]

AN ACT to provide for the payment of the salary of the members of the legislature.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Annual salary and mileage of members of the legislature.

SECTION 1. Each member of the senate and assembly of this state shall be entitled to receive the sum of three hundred and fifty dollars annually, and ten cents per mile for the distance he shall have to travel in going to and returning from the place of the meeting of the legislature, on the most usual route: *provided*, that neither party claiming a contested seat in the senate or the assembly shall be entitled to receive any salary or mileage until the question of the right to such seat has been settled.

Presiding officers to certify to each member.

SECTION 2. It shall be the duty of the presiding officers of the senate and assembly respectively to issue, immediately after the commencement of the annual session of the legislature in each year, to each member of the house over which they respectively preside, who is entitled to receive the same, a certificate, countersigned by the chief clerk, showing that such member has taken the prescribed official oath, and also showing the number of miles traveled by such member in reaching the place of the meeting of the legislature, and upon presentation of such certificate to the secretary of state,

Secretary of state to issue warrant.

he shall issue his warrant for the amount of mileage and the annual salary to which such member is entitled, directed to the state treasurer, whose duty it shall be to pay the same on presentation.

Appropriation.

SECTION 3. There is hereby annually appropriated a sum of money sufficient to pay the salary and mileage of members of the legislature as provided in this act.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved February 8, 1868.

CHAPTER 8.

[*Published February* 10, 1868.]

AN ACT relating to the fees of registers of deeds for recording marriage certificates.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Fees for registering marriages.

SECTION 1. The register of deeds of any county in this state shall receive the sum of twenty-five cents for registering any marriage pursuant to law; which shall be paid him on demand by the treasurer of the county in which such registry is made, in lieu of the fee of ten cents heretofore authorized to be paid for such service: *provided*, that such register shall have complied with the provisions of chapter 110 of the revised statutes, entitled "of the registration of marriages, birth and deaths."

Proviso.

SECTION 2. All acts and parts of acts contravening the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved February 7, 1868.

CHAPTER 9.

[*Published February* 10, 1868.]

AN ACT relating to the release of dower and homestead interest in real estate, of insane persons, and amendatory of section one of chapter 90 of the revised statutes, entitled "of the release of dower of insane persons."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter 90 of the revised statutes, entitled "of the release of dower of insane persons," is hereby amended so as to read as follows: Section 1. Whenever any married man shall represent to the judge of the circuit court of the county in which such married man resides, that his wife is insane, and that he is the owner of real estate in which his wife has a dower or homestead interest, and that it would be for his interest to mortgage, convey or otherwise dispose of any or all of said real estate, said judge may, in his discretion, after due notice and a full examination, if he shall adjudge said woman to be insane, and that it is necessary and for the pecuniary advantage of said insane person, appoint a special guardian of such insane woman for the purposes hereinafter mentioned, and no other. The word judge as used in this act shall not be construed to extend to or confer any powers upon court commissioners.

Amended.

Circuit judge may appoint special guardian of insane person.

SECTION 2. All acts or parts of acts contravening this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 8, 1868.

CHAPTER 10.

[*Published February* 13, 1868.]

AN ACT to amend section 3 of chapter 149 of the general laws of 1867, entitled "an act to regulate and fix the time for holding certain terms of the circuit court in the ninth judicial circuit."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended. SECTION 1. Section three (3) of chapter one hundred and forty-nine (149) of the general laws of 1867, is hereby amended as follows: by adding to the said section the words "and the term of the circuit court appointed by law to be held in and for said county of Dane, on the first Wednesday next succeeding the first Monday in April, shall hereafter be held on the second Wednesday in March in each year.

SECTION 2. This act shall take effect and be in force from and after the first day of May nex t.

Approved February 8, 1868.

CHAPTER 11.

[*Published February* 11, 1868.]

AN ACT to amend chapter 14 of the general laws of 1866, entitled "an act to provide for issuing executions upon judgments in certain cases," approved March 6, 1866.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended. SECTION 1 Section one of chapter fourteen of the the general laws of 1866, entitled "an act to provide for issuing executions upon judgments in certain cases," approved March 6, 1866, is hereby amended by adding thereto the words "*provided*, that no execution shall issue, nor any action or proceedings be had upon any such judgment after twenty years from the time of the rendition or docketing thereof."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved Februery 8, 1868.

CHAPTER 12.

[*Published February* 11, 1868.]

AN ACT to amend section 29 of chapter 117 of the revised statutes, entitled "of county courts."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 29 of chapter 117 of the revised statutes, entitled "of county courts," is hereby amended by adding thereto the following words: "But in all cases where permission has been or shall be given to a person by the circuit court to appeal from the act or decision of the judge of the county court, the appeal must be taken within the period of six months from and after the time of permission given to appeal by the circuit court: *provided*, that in all cases where the six months from the time of permission so given shall have expired before the passage of this act, and the party so obtaining permission shall not have appealed in the manner required by law, such party shall have the period of three months from and after the passage and publication of this act within which to take his appeal." Amended.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 8, 1868.

CHAPTER 13.

[*Published February* 12, 1868.]

AN ACT to authorize the judge of the first judicial circuit to appoint an additional court commissioner in the county of Rock.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May appoint additional court commissioner.

SECTION 1. The judge of the first judicial circuit is hereby authorized to appoint one court commissioner in the county of Rock, in addition to the three commissioners now authorized by law to be appointed therein; and hereafter, whenever vacancies may occur in such office, the said judge may fill the same by appointment in the manner now provided by law.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 8, 1868.

CHAPTER 14.

[*Published February* 15, 1868.]

AN ACT to punish frauds upon insurance companies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Penalty for false representations in obtaining insurance.

SECTION 1. That if any person or persons shall obtain, or attempt to obtain, from any life or accident insurance company, any sum of money on any policy of life or accident insurance, issued by any company transacting or authorized to transact the business of life or accident insurance in this state, by falsely or fraudulently representing the person or persons insured as dead, or shall cause any person or persons to be insured under an assumed name, and shall falsely represent the fictitious person or persons so insured as dead, and shall thereby obtain, cause to be obtained, or attempt to ob-

tain from any such insurance company, or any agent thereof, the amount of such insurance, or shall falsely obtain, cause to be obtained or attempt to obtain from any such life or accident insurance company, any sum of money, upon any life or accident policy of such company, by means of false and fraudulent written representations, an affidavit falsely representing that the person whose life was insured was dead, or that the person insured against accident was injured; every person so offending shall be deemed guilty of a misdemeanor, and, on conviction thereof, if the sum so obtained, attempted or caused to be obtained, shall be equal to or exceed the sum of twenty-five dollars, shall upon conviction thereof, be imprisoned at hard labor in the state prison, for a period not less than one year nor more than fifteen years; and if the sum so obtained, caused or attempted to be obtained, shall be less than twenty-five dollars, the person so offending shall, on conviction thereof, be fined in any sum, not more than five hundred dollars, or be imprisoned in the county jail of the proper county for a period not exceeding six months, or both, at the discretion of the court.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 8, 1868.

CHAPTER 15.

[*Published February* 12, 1868.]

AN ACT to provide for the auditing and payment of the postage of the members and officers of the senate and assembly, and state officers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter one of the general laws of 1858, entitled "an act for the auditing and payment of the postage of the members and officers of the senate and assembly, and state officers," (*be and the same*) is hereby repealed. Amended.

SECTION 2. This act shall take effect and be force from and after its passage and publication.

Approved February 11, 1868.

CHAPTER 16.

[*Published February* 18, 1868.]

AN ACT to repeal chapter nine of the general laws of 1862, entitled "an act to amend chapter two hundred and seventy-six of the general laws of 1861, entitled 'an act to amend chapter twenty-two of the general laws of 1859, entitled 'an act relative to the sale of lands for unpaid taxes, and the conveyance and redemption thereof.'"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repealed.

SECTION 1. Chapter nine of the general laws of 1862, entitled "an act to amend chapter two hundred and seventy-six of the general laws of 1861, entitled 'an act to amend chapter twenty-two of the general laws of 1859, entitled 'an act relative to the sale of lands for unpaid taxes, and the conveyance and redemption thereof,'" is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 12, 1868.

CHAPTER 17.

[*Published February* 18, 1868.]

AN ACT relating to the selection of jurors.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section 2 of chapter 112 of the general laws of 1866, is hereby amended so as to read as fol-

lows: "Hereafter the board of supervisors in each county in this state, to which this act shall be applicable, in making up the jury list for such county shall select the names of the persons chosen as jurors from the several lists returned to the clerk of the board of supervisors in compliance with this act: *provided*, that when through the neglect of one or more town boards of supervisors, boards of trustees or boards of aldermen, to make out and return to the clerk of the county board of supervisors a list or lists of names in compliance with this act, the whole number returned shall be insufficient, such county board of supervisors shall supply the deficiency by selecting, as nearly as practicable, an equal number of names from each of the poll lists of the last general election in such towns, villages and wards as shall have failed to return jury lists in accordance with this act; *and provided further*, that the county board shall select from the poll lists only such men as they know to be qualified to serve as jurors.

Duty of clerk of board

SECTION 2. It shall be the duty of the clerk of the county board of supervisors in each county in which the entire jury lists for the year 1868 have not been made out, to call a meeting of such board within ninety days after the passage of this act for the purpose of filling out their jury lists as provided therein.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 13, 1868.

CHAPTER 18.

[*Published February* 19, 1868.]

AN ACT to amend section three of chapter one hundred and seventy-nine of the general laws of 1867, entitled "an act to regulate insurance companies not incorporated by the state of Wisconsin."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section 3 of chapter 179 of the general laws of 1867, entitled "an act to regulate insurance

companies not incorporated by the state of Wisconsin," is hereby amended by inserting after the words "official state paper," in the fifteenth line of the printed section three (3) of said law, the words "and one daily paper of general circulation published in the city of Milwaukee."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 14, 1867.

CHAPTER 19.

[*Published February* 18, 1868.]

AN ACT to amend section three (3) of chapter eighty-five (85,) of the laws of 1867, entitled "an act relating to the return and canvass of votes."

The people of the state of Wisconsin, represented in senate and assembly do enact as follows:

Amended.

SECTION 1. Section three (3) of chapter eighty-five (85,) of the laws of 1867, is hereby amended by adding thereto the following: "and any town, ward, or election district causing the necessity of sending out such messenger, shall defray all the expense incurred thereby, and shall be charged therefor by the county board of supervisors."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 14, 1868.

CHAPTER 20.

[*Published February* 20, 1868.]

AN ACT to amend chapter 518 of the general laws of 1865, entitled "an act to dedicate a strip of land along the west line of the prison grounds for a public street."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter 518 of the general laws of 1865, entitled "an act to dedicate a strip of land along the west line of the prison grounds for a public street," approved June 2d, 1865, is hereby amended so as to read, "twenty-five feet," instead of "three rods," wherever these words occur, so that said section, when so amended, will read as follows: "Section 1. The state prison commissioner is hereby authorized and required, as soon as may be convenient, to remove the west line of the fence along the prison grounds so far east that said fence will stand in a straight line with the east line of Drummond street as laid down in the recorded plat of the village of East Waupun, and the piece of land so set apart is hereby dedicated to be used as a public street: *provided*, that previous to the removal of said fence, the owners of the premises along the west line of said grounds shall also dedicate a piece of land for the same purpose sufficient with the land so set apart to make said street not less than twenty-five feet wide: *provided further*, that the commissioner shall have no authority to remove such fence until the owners of land next south of the prison grounds, or (*to*) the authorities of the village of Waupun shall set apart and forever dedicate to the public as a highway, a strip of land twenty-five feet wide along the south line of the prison grounds, connecting Madison street with Drummond street as so extended." Amended

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 15, 1868.

CHAPTER 21.

[*Published February* 20, 1868.]

AN ACT fixing the time of election of clerks of the county board of supervisors of certain counties.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Time of election fixed.

SECTION 1. In each county where the clerk of the county board of supervisors is now elected and whose term of office commences in a different year from that of the county treasurer of such county, the term of office of such clerk shall hereafter begin with that of said county treasurer, and the next election of clerk of the county board of supervisors in such counties shall be at the same time of the next election of county treasurer therein.

SECTION 2. This act shall be in force and take effect from and after its passage and publication.

Approved February 15, 1868.

CHAPTER 22.

[*Published February* 20, 1868.]

AN ACT to amend section 17 of chapter 183 of the revised stautes, entitled "of offences cognizable before justices of the peace."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section 17 of chapter 183 of the revised statutes, entitled "of offences cognizable before justices of the peace," is hereby amended so as to read as follows: Section 17. It shall not be lawful for any person or persons to use or set any net, rack, or other obstruction for the purpose of taking or catching fish in any of the inland streams or water-courses within this

state, whereby the free passage of fish up or down such stream or water-course shall or may be obstructed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 15, 1868.

CHAPTER 23.

[*Published February* 25, 1868.]

AN ACT to provide for holding the annual meeting in school districts where graded schools are taught.

The people of the state of Wisconsin, represented in senate and assembly do enact as follows:

Time of annual meeting.

SECTION 1. The annual meeting of all school districts in which graded schools of three or more departments are taught shall be held on the second Monday of July in each year, at seven o'clock in the afternoon.

Duty of district clerk.

SECTION 2. It shall be the duty of the district clerk of any school district in which such graded school is taught, to give not less than ten days notice of the time and place of holding such annual meeting, but the neglect of the clerk to give such notice shall not invalidate the acts of any annual meeting held under the provisions of this act.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved February 15, 1868.

CHAPTER 24.

[*Published February* 20, 1868.]

AN ACT to amend chapter 168 of the general laws of 1867, entitled "an act to amend chapter 39 of the general laws of 1866, entitled 'an act to provide a home for the orphans of the Wisconsin soldiers.'"

The people of the state of Wisconsin, represented in nate and assembly, do enact as follows:

Amended.

SECTION 1. Section 2 of chapter 168 of the general laws of 1867, entitled "an act to amend chapter 39 of the general laws of 1866, entitled 'an act to provide a home for the orphans of the Wisconsin soldiers,'" is hereby amended so as to read as follows: Section 2. The board of trustees of the home shall, by virtue of their office as trustees, be the legal guardians of every child who is now or may hereafter become an inmate of the home, and has no parent living within the state nor any guardian duly appointed prior to the time such child was received into the said home; and they shall be authorized to receive all pensions, back pay and bounty due or to become due to any such child, and shall invest the same upon good security and hold it in trust for such child; and they shall also have power, with the assent of the governor, to bind such child for such term and to such useful trade or employment as they shall deem for the best interests of such child.

Board of trustees to be guardians of orphan children.

How and by whom moneys to be held.

SECTION 2. That in every case where the said trustees have received or taken and now hold in trust any moneys or securities belonging to any child who has been or is now an inmate of the said home, and has a guardian duly appointed as aforesaid, or have bound any such child for any purpose and for a term not yet expired, they shall on demand pay over and deliver to the guardian of such child all the moneys and securities so held by them belonging to such child; and every agreement by said trustees binding such child to service or employment is hereby annulled, and such child is hereby declared to be released and discharged from such service or employment, unless such guardian shall in writing assent to and ratify such agreement.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 15, 1868.

CHAPTER 25.

[*Published February* 19, 1868.]

AN ACT to provide for taking the deposition of witnesses in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

How depositions are to be taken in relation to charitable institutions

SECTION 1. Any court commissioner, justice of the peace or other officer authorized by the laws of this state to take depositions to be used and read in evidence in the circuit courts of this state, [are] is hereby authorized and empowered, and it is hereby made the duty of such court commissioner or other officer, upon an application made to him by any two of the trustees or managers of any of the charitable and benevolent institutions of this state, or by any two of the regents of the university, or any two of the regents of normal schools, to issue a subpœna, directed to any person or persons residing or being in the county where such subpœna is issued, requiring such person or persons to appear before such officer at his office or at any other place in said county, to be named in said subpœna, at a time to be named in such subpœna, then and there to answer such questions as may be put to him or them, touching the said institution therein named or the conduct of any of its officers or agents, or in relation to any other matter relating to the interest of such institution in the management of its business; said subpœna may also require and direct said persons named therein, or any one or more of them, to produce at the time of his or their examination, any books or papers which are in his or their possession, or under his or their control, and the officer issuing such subpœna is hereby authorized and empowered to enforce the attendance of any person upon whom such subpœna has been served, to administer oaths to said witnesses and to compel said witnesses to testify in the manner now provided by law in courts held by justices of the peace, and may punish any person duly subpœnaed for refusing to appear or for refusing to answer, for a contempt as in other cases provided for before justices of the peace.

Testimony to be reduced to writing.

SECTION 2. The officer issuing such subpœna shall reduce the testimony of any witness appearing before him to writing, and cause the same to be subscribed by the witness; and upon such examination any officer, trustee, regent, manager or agent of the institutions named in such subpœna may appear in person and by counsel, and put such questions to any witness so to be examined in relation to the conduct and management of the said institution, or in relation to any act or acts of any of its officers or agents, or in relation to any other matter relating to the interest of such institution as he or they shall think proper or necessary. The officer or agent of such institution to be affected by the testimony so to be taken, shall have notice, of not less than two days of the taking of such deposition and the right to appear in person and by counsel and cross-examine any witnesses.

To whom depositions to be delivered.

SECTION 3. All depositions taken in the manner provided in this act, shall be delivered by the officer taking the same to the officers applying for such subpœnas, and if any person so examined shall knowingly swear falsely on his or her examination, they or he shall be deemed guilty of perjury, and shall be punished in the manner provided in section two of chapter 167 of the revised statutes, entitled "of offences against public justice."

Fees for witnesses.

SECTION 4. Every person subpœnaed to appear and testify, pursuant to the provisions of this act, shall be entitled to receive for [their] his travel and attendance the same fees which are allowed by law to witnesses in courts held by justices of the peace; and the officer taking such depositions shall be entitled to receive the following fees:

For attendance in taking any deposition, two dollars per day.

For every subpœna, twenty-five cents.

For administering any oath, twelve cents.

For reducing such depositions to writing, twelve cents per folio of one hundred words.

Secretary of State to audit account of fees.

SECTION 5. The secretary of state is hereby authorized to audit any account for fees or expenses incurred, pursuant to the provisions of this act, upon the certificate of the trustees, regents, managers or officers of the institution causing such examination to be had, and when so audited the same shall be paid by the state

treasurer, and there is hereby appropriated, out of any money in the state treasury which is not otherwise appropriated, a sum sufficient to make such payment.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved February 18, 1868.

CHAPTER 26.

[*Published February* 29, 1868.]

AN ACT to authorize the appointment of phonographic reporters for the circuit courts of the counties of Racine and Rock.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Judge may appoint phonographic reporter.

SECTION 1. It shall be lawful for the judge of the circuit courts of the counties of Racine and Rock to appoint one or more phonographic reporters for each of said courts, who shall be sworn officers of said courts, and shall be skilled in the art of short-hand reporting, one of whom shall attend upon the said court at each term thereof when required by such court or the judge thereof so to do, and shall discharge such duties as the judge may direct.

Compensation of reporters.

SECTION 2. The phonographic reporter shall be allowed such daily compensation as shall be fixed by the judge of the court, not exceeding seven dollars per day for each day's attendance upon such court when required by the judge thereof to attend, which shall be certified, audited and paid in like manner as is provided by law for the payment of the sheriff for attending upon the court: *provided*, but one such reporter shall be employed at the same time.

Additional compensation.

SECTION 3. In addition to the above compensation, the phonographic reporters may charge, and collect as fees, ten cents per folio (of one hudred words) for making and furnishing transcripts of their short-hand notes of the testimony and other proceedings of the court in the trial of any action, to be paid by the party requiring such transcript to be made, except in the trials of

criminal cases, when the court may, in its discretion, order such transcript to be made, audited, certified and paid for in the same manner as the reporter's per diem compensation. In such case the reporter's notes shall be written out in full, and filed with the clerk of the court.

Judge may remove reporters.

SECTION 4. The judge of said court may, in his discretion, remove such reporters, or either of them, and may fill any vacancy caused by such removal, or from any other cause.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved February 19, 1868.

CHAPTER 27.

[*Published February* 24, 1868.]

AN ACT authorizing the board of supervisors to exempt any county from the provisions of chapter 404 of the general laws of 1862, relative to the license and keeping of dogs.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

County board may exempt owners of dogs from taxation thereon.

SECTION 1. That the county board of supervisors in each county may, at the annual session of such board, exempt such county from the provisions of chapser 404 of the general laws of 1862, and all acts amendatory thereto, entitled "an act to regulate the license and keeping of dogs."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 19, 1868.

CHAPTER 28.

[*Published February* 24, 1868.]

AN ACT to abolish the office of bank comptroller, and transfer his duties to the state treasurer.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Office of bank comptroller abolished.

SECTION 1. The office of bank comptroller is hereby abolished; to take effect on the first Monday of January, A. D., 1870.

His books, etc., to be turned over to state treasurer.

SECTION 2. The bank comptroller is hereby required, on the first Monday of January, A. D., 1870, to turn over to the state treasurer all the books, records, moneys, safes and furniture, together with all other appurtenances whatsoever appertaining or belonging to said office which may be in his custody, or for which he shall be held responsible.

SECTION 3. The state treasurer is hereby authorized and required to receive from the bank comptroller all the property and effects named in section two of this act, and thereafter perform and discharge all duties incident to the office of bank comptroller, and all acts of the state treasurer in pursuance of any requirement of the banking law shall be as valid for all purposes as though done and performed by the bank comptroller.

Act to be submitted to vote of people.

SECTION 4. This act shall be submitted to the electors of this state at the general election to be held on the Tuesday next succeeding the first Monday of November, 1868, and if approved by a majority of the votes cast on the subject, the same shall take effect and be in force as provided in section one of this act.

Form of ballot and manner taking and canvassing the votes.

SECTION 5. The form of ballot for the approval of this act shall be "for amendment to the banking law;" and against approval, "against amendment to the banking law," which shall be written or printed on a separate ballot and deposited in a separate box, and the votes cast for and against amendment shall be counted and returned by the inspectors of election, and be canvassed by the state board of canvassers, in the same manner and within the same time as the

votes for state officers are required to be counted, returned and canvassed, and the secretary of state shall immediately, on the completion of said canvass, publish a statement of the result thereof in the official state paper, and communicate the same to the governor, and he shall also deliver to the bank comptroller and state treasurer each a certified copy thereof.

Secretary of state to publish the result.

SECTION 6. All acts and parts of acts contravening the provisions of this act are hereby repealed.

Approved February 19, 1868.

CHAPTER 29.

[*Published February* 24, 1868.]

AN ACT to provide for the service of summons by publication in certain cases, and for attachment therein.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

How summons may be served on non-residents in certain cases.

SECTION 1. When a cause of action exists against any person or corporation, and such person is a non-resident of the state, or his residence is unknown and he has property within the state, or said corporation is a foreign corporation and has property within the state; and the cause of action is one sounding in tort, and growing out of a transaction relating to the sale of real or personal property, made by defendant, or his agent, or when the cause of action arises out of any other wrongful act sounding in tort, committed by defendant or his agent, and the court has jurisdiction of the subject matter of the action, and the defendant, after due diligence, cannot be found within the state, and the facts are made to appear in manner and form as now required by law, under section 10 of chapter 124 of the revised statutes, and the several acts amendatory thereto; service may be had and made by publication of the summons as in other cases now provided for by law.

When and how plaintiff may proceed by attachment.

SECTION 2. When the facts provided for in section one of this act are made to appear to a circuit judge, a county judge, or a court commissioner, by affidavit, and such judge or court commissioner is satisfied that a cause of action exists, sounding in tort, within the provisions of this act, he may order that the plaintiff proceed by attachment, against the property of the defendant found within the state, in the circuit court of the proper county, fixing by said order the amount of property in value to be attached; and the clerk of the circuit court of the county where the action is commenced, upon the filing of such affidavit and order shall issue an attachment against the property of the defendant, in the same manner and form, and subject to the same rules and like proceedings as in other cases of attachment now provided for by law.

Writs may be served on defendant's agent.

SECTION 3. When it appears that the defendant in the action has an agent within this state, the judge or court commissioner making the order for the attachment, shall also order that a copy of the summons and complaint, the affidavit and order of attachment, together with the attachment and inventory of property attached, be served on such agent, and the plaintiff or the person making the affidavit in his behalf for the attachment, shall state in his affidavit, if he has or has not any information or belief, or any knowledge or information thereof sufficient to form a belief, as to the existence or being within the state, of any such agent; and after the action has been commenced as herein provided, the proceedings shall be the same as in other actions now provided for by law.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved February 19, 1868.

CHAPTER 30.

[*Published February* 26, 1868.]

AN ACT to repeal sections 1, 3 and 4 of chapter 29 of the general laws of 1866, entitled "an act to protect the hop-growing interests of the state, and indicate the size of boxes used for picking hops in Wisconsin."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repealed.

SECTION 1. Sections one, three and four of chapter 29 of the general laws of 1866, entitled "an act to protect the hop-growing interests of the state, and indicate the size of boxes used for picking hops in Wisconsin," are hereby repealed.

SECTION 2. This act shall take effect and be in force on and after the first day of July next.

Approved February 21, 1868.

CHAPTER 31.

[*Published February* 26, 1868.]

AN ACT in relation to county supervisors in counties containing less than three towns.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Legalized.

SECTION 1. The election of county boards of supervisors, at the last general election, consisting of three members to hold office for the succeeding two years in counties containing less than three towns, is hereby legalized and declared valid.

Term of office and how determined.

SECTION 2. The present members of such boards shall hold office, one for one year, one for two years and one for three years, from the commencement of their present term; which one of these several terms each member shall serve. The board shall determine, at least sixty days before the next general election, by

casting lots, as follows, to-wit: the clerks of such boards shall cause to be written on separate pieces of paper, as nearly alike as practicable, the figures 1, 2 and 3, and shall cause such papers to be folded up as nearly alike as practicable, and deposited in a box, and the members of the board shall severally draw one of these pieces of paper, if present and consenting, otherwise, the clerk of the board shall draw the lots of any absent or refusing members, and the term of office of each member of such board shall be determined by such drawing, and each shall hold his office for such number of years as shall correspond with the number by him so drawn.

One supervisor to be elected each year.

SECTION 3. At each general election hereafter, one supervisor shall be elected in such counties, to take the place of that supervisor whose term of office shall expire in the month of January next succeeding such election, and to hold his office for three years, and until his successor shall be elected and qualified: *provided*, that when such counties shall be divided so as to contain three or more towns, they shall be subject to the same laws in regard to the election of county supervisors as govern other counties.

SECTION 4. All acts and parts of acts which may be construed contrary to the provisions of this act, are hereby declared inapplicable to counties containing less than three towns.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved February 21, 1868.

CHAPTER 32.

[*Published February* 26, 1868.]

AN ACT to repeal section six of chapter one hundred and forty-one of the revised statutes, entitled "actions for the recovery of real property."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repealed.

SECTION 1. Section six of chapter one hundred forty-one of the revised statutes, entitled "actions for the recovery of real property," is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 21, 1868.

CHAPTER 33.

[*Published February* 26, 1868.]

AN ACT to amend section 3 of chapter 116 of the laws of 1866, entitled "an act to incorporate the board of regents of normal schools and to define the duties thereof."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amount to be used for normal school buildings.

SECTION 1. In addition to the money now provided by and limited by law, there may be used by the board of regents of normal schools, out of the income of the normal school fund, a sum not to exceed ten thousand dollars, for completing and furnishing the state normal school building at Whitewater, and a sum not exceeding five thousand dollars for making and completing the improvements and additions to the state normal school building at Platteville, including the furnishing of the same in accordance with the plans adopted by said board of regents of normal schools.

SECTION 2. This act shall take effect and be in force from and after its passsage.

Approved February 22, 1868.

CHAPTER 34.

[*Published February* 26, 1868.]

AN ACT to amend section 1 of chapter 173 of the general laws of 1863, entitled "an act to amend an act entitled an act changing the time of holding the terms of the circuit court of Chippewa, Eau Claire, Dunn and Pepin."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1 of chapter 173 of the general laws of 1863, is hereby amended so as to read as follows: "The general terms of the circuit court in the following named counties, shall be holden at the times hereinafter mentioned, to-wit: In the county of Pepin on the first Monday of March and the first Monday of September in each year; in the county of Dunn on the second Monday of March and the second Monday of September in each year; in the county of Chippewa, on the third Monday of March and the third Monday of September in each year; in the county of Eau Claire, on the fourth Monday of March and the fourth Monday of September in each year." Amended.

SECTION 2. This act shall take effect and be in force from and after the first day of April 1868.

Approved February 22, 1868.

CHAPTER 35.

[*Published February* 26, 1868.]

AN ACT to amend section five (5) of chapter 121 of the revised statutes, entitled "of the jurisdiction of justices in criminal cases, and of the proceedings therein."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section five (5) of chapter 121 of the revised statutes is hereby amended so as to read as follows: "On the return of the warrant with the accused, the said justice shall proceed to hear, try and determine the cause within one day, unless continued for for cause: *provided*, that if the defendant shall, before he pleads to said complaint, make oath that, from prejudice or other cause, he believes the justice will not decide impartially in the matter, the said justice shall immediately transmit all the papers in the case to the nearest justice qualified by law to try a cause between the state and the defendant, who shall proceed to hear, try and determine the same, in the same manner as it would have been lawful for the justice before whom the warrant was returnable to have done; and in case the justice to whom the papers are transmitted is absent, or because of sickness, is unable to proceed with the case when the papers are so transmitted, then the papers shall be transmitted by the justice to whom the warrant was issued to the next nearest justice who is qualified by law and in readiness to try the cause, and such justice shall thereupon proceed to hear, try and determine the same.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 22, 1868.

CHAPTER 36.

[*Published February* 26, 1868.]

AN ACT to provide for the appointment of a phonographic reporter for the 9th judicial circuit and fix his compensation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Judge of 9th circuit may appoint phonographic reporter.

SECTION 1. The judge of the circuit courts of the 9th judicial circuit is hereby authorized to appoint a phonographic reporter for the circuit courts of Dane and Jefferson counties, to be styled "official reporter of circuit courts of the 9th judicial circuit," who shall be skilled in the practice of his art, and who shall hold his office until removed as hereinafter mentioned: *provided, however*, that the judge shall have power to remove said official reporter on account of incompetency, misbehavior or negligence in the discharge of his duty, the order for the same to be entered upon the record of either of the circuit courts in said circuit, and every vacancy caused by such removal, or by death, resignation or otherwise, to be filled by appointment as in the first instance.

Duties of reporter.

SECTION 2. The said reporter shall be a sworn officer of the court and shall cause the proceedings in each case to be reported unless otherwise specially directed by the judge, and he shall discharge such duties as the judge may direct, and when a transcript of the reporter's notes in any case is desired, the court shall direct the reporter to make a fair transcript of his notes in such case, and when so made such transcript shall be filed in said court among the papers in said cause.

His compensation.

SECTION 3. The phonographic reporter shall be allowed a per diem compensation to be fixed by the court, which shall be audited and certified, and paid in like manner as prescribed by law for the payment of the sheriff and other officers attendant upon the court: *provided*, that said per diem compensation shall not exceed the sum of seven dollars per diem.

Additional compensation.

SECTION 4. In addition to the above compensation, the reporter shall be allowed as fees a price per folio, to be fixed by the court, for making and furnishing

transcripts of his short hand notes of the testimony or other proceedings of the court in the trial of any action, and the charges for such transcript when made shall be estimated and certified by the said presiding judge, and when so certified shall be forthwith paid under the order of court, by the party on whose behalf the same was ordered, and the amount so paid shall be allowed and taxed as costs in said cause: *provided, however*, that the said transcript when paid for, shall be filed in the said court among the papers in said cause, subject to be used by the respective parties as the court shall direct; *and provided, moreover*, that upon failure to pay said charges under such order of the court, the party or parties so failing may be proceeded against by attachment as in other cases for non-compliance with the orders of the court; *and provided, moreover*, in trials upon indictment the court may order a transcript to be made in cases of conviction, and the charges for the same shall be audited and paid for in the same manner as the reporter's per diem compensation.

SECTION 5. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 6. This act shall take effect and be in force from and after its passage.

Approved February 22, 1868.

CHAPTER 37.

[*Published February* 26, 1868.]

AN ACT to amend chapter 362 of the general laws of 1860, entitled "an act relating to the Milwaukee county court."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

ended. SECTION 1. Section one of chapter three hundred and sixty-two of the general laws of 1860, entitled "an act relating to the the Milwaukee county court," is hereby amended so as to read as follows: Section 1. There is hereby conferred upon the county court of

Milwaukee county, jurisdiction in all civil actions, both as to matters of law and equity, equal to and commensurate and concurrent with the circuit court of Milwaukee county; and the said county court shall exercise the same powers and jurisdiction in all civil actions as now exercised by the said circuit court: *provided*, that the value of the property or the amount of money in controversy in any action in said county court, exclusive of costs, do not exceed one hundred thousand dollars.

Amended.

SECTION 2. Section five of chapter three hundred and sixty-two of the general laws of 1860, is hereby amended so as to read as follows: Section 5. Whenever the place of trial in any action in said county court shall be changed on account of the prejudice of the judge thereof, or because he shall be interested or have been counsel therein, the place of trial shall be changed to the circuit court of said county; and whenever for any such reasons a change of the place of trial shall be granted in any action pending in said circuit court, the place of trial shall be changed to the said county court: *provided*, the action be one of which the county court would have jurisdiction according to the provisions of this act.

Chapter 101 amended.

SECTION 3. Chapter one hundred and one of the general laws of 1862, entitled "an act to amend chapter 362 of the general laws of 1860, entitled 'an act relating to the Milwaukee county court,'" is hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved February 22, 1868.

CHAPTER 38.

[*Published February* 29, 1868.]

AN ACT to amend chapter one hundred and thirty-four of the revised statutes, entitled "of executions and proceedings supplementary thereto."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. The seventh clause of section thirty-one of chapter one hundred and thirty-four of the revised statutes, "of executions and proceedings supplementary thereto," is hereby amended so as to read as follows, to-wit: 7. Two cows, ten swine, one yoke of oxen and one horse or mule, or in lieu of one yoke of oxen and a horse or mule, a span of horses or a span of mules, ten sheep and the wool from the same, either in the raw material or manufactured into yarn or cloth; the necessary food for all of the stock mentioned in this section for one year's support, either provided or growing, or both, as the debtor may choose; also one wagon, cart or dray, one sleigh, one plough, one drag, and other farming utensils, including tackle for teams, not exceeding fifty dollars in value.

Construction of act.

SECTION 2. This act shall not be construed to amend or repeal chapter 11 of the general laws passed and enacted in the year 1862, entitled "an act to amend section 31 of chapter 134 of the revised statutes, entitled 'of executions and proceedings supplementary thereto.'"

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved February 27, 1868.

CHAPTER 39.

[*Published February* 29, 1868.]

AN ACT to repeal chapter 181 of general laws [of] 1867, entitled "an act to prohibit the opening of dance-houses and ten-pin alleys on Sundays."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter No. 181, general laws of 1867, entitled "an act to prohibit the opening of dance-houses and ten-pin alleys on Sundays," is hereby repealed. Repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 27, 1868.

CHAPTER 40.

[*Published February* 29, 1868.]

AN ACT to repeal chapter 104 of the general laws of 1867, entitled "an act to attach the county of Burnett to the county of Polk, for judicial purposes, and to repeal chapter 480 of the private and local laws of 1866, entitled 'an act to attach the county of Burnett to the county of Polk for judicial purposes,'" and to fix the time of holding the circuit court in said county of Burnett.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter 104 of the general laws of 1867, entitled "an act to attach the county of Burnett to the county of Polk, for judicial purposes, and to repeal chapter four hundred and eighty of the private and local laws of 1866, entitled 'an act to attach the county of Burnett to the county Polk for judicial purposes,'" is hereby repealed. Repealed.

SECTION 2. The terms of the circuit court in and

for said county of Burnett, shall be held on the third Monday of January and the third Monday of July.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 28, 1868.

CHAPTER 41.

[*Published February* 29, 1868.]

AN ACT to provide for the payment of clerks of committees.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Pay of clerks of legislative committees.

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, a sum sufficient to pay for the services of the clerks of the standing committees on judiciary of the senate and assembly, and of the clerk of the committee on railroads in the assembly: *provided*, that the compensation of such clerks shall not exceed the sum of three dollars per day.

How certified and audited.

SECTION 2. The chairman of the committee for which such service has been rendered shall execute to the person who performed the same, a certificate of the amount due for such services; and upon presentation of such certificate to the secretary of state, he shall audit and allow the same, and issue his draft for the amount upon the state treasurer, who is hereby authorized to pay the same.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved February 28, 1868.

CHAPTER 42.

[*Published February* 29, 1868.]

AN ACT to repeal section one (1) of chapter 105 of the laws of 1867, entitled "an act to disqualify liquor dealers from holding the office of justice of the peace, and forbidding the holding of courts of justice in houses where liquor is sold."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter 105 of the laws of 1867, entitled "an act to disqualify liquor dealers from holding the office of justice of the peace, and forbidding the holding of courts of justice in houses where liquor is sold," is hereby repealed. Repealed.

SECTION 2. Section two of the said act is hereby so amended as to read as follows: Section 2. No court of justice shall be held in any room in which strong, spirituous, ardent or intoxicating liquors are sold, bartered or given away, nor in any room adjoining any room where such liquors are sold or given away. Amended.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 28, 1868.

CHAPTER 43.

[*Published February* 29, 1868.]

AN ACT to amend sections 10 and 11 of chapter 9 of the revised statutes, entitled "of the legislature."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section ten of chapter nine of the revised statutes, is amended so as to read as follows: Section 10. The speaker of the assembly shall be entitled to receive the same compensation allowed to Amended.

other members of the legislature for his services as speaker of the assembly; but in case of an extra session of the legislature, no extra compensation shall be allowed.

Appropriation.

SECTION 2. There is hereby annually appropriated a sum sufficient to be paid out of the state treasury to carry out the provisions of this chapter.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 28, 1868.

CHAPTER 44.

[*Published February* 29, 1868.]

AN ACT to prohibit the locking of car doors upon railroad trains.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Car doors not to be locked when cars are in motion.

SECTION 1. It is hereby declared to be unlawful for any officer, agent or employee of any railroad company, operating any line of railroad within this state, to lock or cause to be locked any door of any car used for the purpose of transporting passengers upon any railroad within this state, while such car is in motion and occupied by any person or persons as passengers upon said railroad, except that such car shall not be so locked as to prevent the free exit from the cars at all times. It is also hereby declared to be unlawful for any officer, agent or employee of any railroad company to use or authorize the use of any kerosene oil or other material of an explosive nature for the purpose of lighting any car used for the transportation of passengers upon any railroad in this state: *provided*, that said railroad companies shall have three months time to effect the changes as to the lighting their cars.

Proviso.

Penalty.

SECTION 2. Any person violating the provisions of the preceding section, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 28, 1868.

CHAPTER 45.

[*Published February* 29, 1868.]

AN ACT to amend chapter 165 of the revised statutes, entitled "of offences against property."

The people of the state of Wisconsin, represented in senate and assembly do enact as follows:

SECTION 1. Section eleven of chapter one hundred and sixty-five of the revised statutes is hereby amended so as to read as follows: "Section 11. Every person who shall break and enter in the night time any office, shop or warehouse, or any other building, not adjoining to or occupied with any dwelling house, or any ship, steamboat, vessel, railroad freight car or passenger car, within the body of any county, with intent to commit the crime of murder, rape, robbery, larceny or any other felony, shall be punished by imprisonment in the state prison, not more than three years nor less than one year." Amended.

SECTION 2. Section twelve of said chapter is hereby amended so as to read as follows: "Section 12. Every person who shall enter in the night time, without breaking, or who shall break and enter in the day time any dwelling house or out house thereto, adjoining and occupied therewith, or any office, shop, warehouse or other building, or any ship, steamboat, vessel, railroad freight car or passenger car, within the body of any county, with intent to commit the crime of murder, rape or robbery, larceny or other felony, shall be punished by imprisonment in the state prison, not more than two years nor less than six months." Ibid.

SECTION 3. Section fourteen of said chapter is hereby amended so as to read as follows: "Section 14. Every person who shall break and enter in the night time, or in the day time, any meeting-house, church, Ibid.

court house, town house, college, academy or other building erected and employed for public use, and steal therein property exceeding the value of twenty dollars, or who shall commit the crime of larceny in any dwelling house, office, shop, bank, warehouse or other building, ship, steamboat, vessel, railroad freight car or passenger car by stealing therein money or property exceeding the value of twenty dollars, shall be punished by imprisonment in the state prison, not more than three years nor less than one year, or by imprisonment in the county jail, not more than one year nor less than three months, or by fine not exceeding two hundred dollars.

SECTION 4. This act shall take effect and be in force from and after its publication.

Approved February 28, 1868.

CHAPTER 46.

[*Published March* 2, 1868.]

AN ACT to repeal chapter 177 of the general laws of 1867, entitled "an act to repeal chapter 187 of the general laws of 1864, entitled 'an act to amend section 38 of chapter 117 of the revised statutes, entitled 'of county courts.'"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repealed.

SECTION 1. Chapter 177 of the general laws of 1867, entitled "an act to repeal chapter 187 of the generan laws of 1864, entitled 'an act to amend section 38 of chapter 177 of the revised statutes, entitled 'of county courts," is hereby repealed, and said chapter 187 of the session laws of 1864 is hereby restored.

Approved February 29, 1868.

CHAPTER 47.

[*Published March* 2, 1868.]

AN ACT to amend sections 17 and 19 of chapter 89 of the revised statutes, entitled "of estates in dower, by the courtesy and general provisions concerning real estate."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended. SECTION 1. Section seventeen (17) of chapter eighty-nine (89) of the revised statutes is hereby amended so that the same shall read as follows, to wit: If any such jointure or pecuniary provision be made before marriage and without the assent of the intended wife, or if it be made after marriage, she shall make her election within one year after the death of her husband, whether she will take such jointure or pecuniary provision or be endowed of the lands of her husband; but she shall not be entitled to both.

Ibid. SECTION 2. Section nineteen (19) of chapter eighty-nine (89) of the revised statutes is hereby amended so as to read as follows: When a widow shall be entitled to an election under the last preceding section, she shall be deemed to have elected to take such devise or other provision, unless within one year after the probate of her husband's will she shall commence proceedings for the assignment or recovery of her dower.

SECTION 3. This act shall take effect from and after passage and publication.

Approved February 29, 1868.

CHAPTER 48.

[*Published March* 2, 1868.]

AN ACT to amend chapter 19 of the revised statutes, entitled "of highways and bridges."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended. SECTION 1. Section twenty-five of chapter nineteen of the revised statutes, entitled "of highways and bridges," is hereby amended by inserting in the fifth line of the second clause, immediately after the word "Sheboygan," the words "Ashland, Bayfield, Burnett, Dallas, Douglas, Monroe, Polk, Marathon, Waupaca and Outagamie."

SECTION 2. This act shall take effect after passage and publication.

Approved February 29, 1868.

CHAPTER 49.

[*Published March* 2, 1868.]

AN ACT to repeal chapter 86 of the general laws of 1867, entitled "an act to amend chapter 95 of the revised statutes, entitled 'of the supreme court,' and chapter 178 of the general laws of 1867, entitled 'an act to amend chapter 86 of the general laws of 1867, entitled 'an act to amend chapter 95 of the revised statutes, entitled 'of the supreme court,'" and to re-enact section 1 of chapter 115 of the revised statutes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repealed. SECTION 1. Chapter eighty-six of the general laws of 1867, entitled "an act to amend chapter ninety-five of the revised statutes, entitled 'of the supreme court,' and chapter one hundred seventy-eight of the general laws of 1867, entitled 'an act to amend chapter eighty six of the general laws of 1867, entitled 'an act to amend chapter ninety-five of the revised statutes,

entitled 'of the supreme court,'" are hereby repealed, and section one of chapter one hundred fifteen of the revised statutes, entitled "of the supreme court," is hereby amended so as to read as follows: Section 1. There shall be held three terms of the supreme court in each year, to be denominated the February term, the June term and the October term. The February term shall commence on the first Tuesday of February in each year and shall be held at the supreme court room in the city of Madison; the June term shall commence on the first Tuesday of June in each year and shall be held at the court house in the city of Milwaukee, or such other place as may be provided in the city of Milwaukee for that purpose; the October term shall commence on the first Tuesday of October in each year and shall be held at the court house in the city of Oshkosh, or at such other place in said city as may be provided for that purpose.

Amended.

Time and place of holding terms.

SECTION 2. At the February term of the said court, causes and business arising in the first, fifth and ninth circuits shall be first entered upon the calendar and have precedence, and following such business all businsss arising in the remaining circuits shall be entered upon the calendar in the numerical order of such circuit. At the June term of said court causes and business arising in the second and third, sixth, eighth and eleventh circuits shall be first entered upon the calendar and have precedence, and following such business all business arising in the remaining circuits shall be entered upon the calendar in the numerical order of such circuits; and at the October term of the said court all causes and business arising in the fourth, seventh and tenth circuits shall be first entered upon the calendar and have precedence, and following such business all business arising in the remaining circuits shall be entered on the calendar in the numerical order of such circuits.

How calendar is to be made up.

SECTION 3. The boards of supervisors of the counties of Winnebago and Milwaukee are hereby authorized to furnish suitable rooms, other than the court house, in their respective counties for the use of the court for the terms appointed to be held in such counties. The said court is hereby authorized to hold the terms thereof in such rooms as shall be so provided.

Boards of supervisors may furnish rooms for holding court.

SECTION 4. The office of the clerk of the supreme court shall be kept in the capitol in the city of Madison.

Where office of clerk to be kept.

SECTION 5. This act shall take effect and be in force from and after the first day of May next, and all writs, process and proceedings made before this act is in force, returnable to the September term of said court, shall be deemed and taken to be returnable to the June term.

Approved February 29, 1868.

CHAPTER 50.

[*Published March* 2, 1868.]

AN ACT to repeal section one of chapter 111 of the general laws of 1867 entitled "an act to amend certain sections of chapter 155 of the general laws of 1863, entitled 'an act to codify the laws relating to common schools.'"

The people of the state of Wisconsin, represented in senate and assembly do enact as follows:

Repealed. SECTION 1. Section one of chapter 111 of the general laws of 1867 is hereby repealed, and section one of chapter 155 of the general laws of 1863, to which said act is amendatory, is hereby declared to be in full force and effect.

Amended. SECTION 2. Section one of chapter 155 of the general laws of 1863 is hereby amended so as to read as follows: Section 1. The board of supervisors in each town in this state shall have power to form and alter school districts in the manner hereinafter set forth: *provided*, that no school district can or shall embrace more than thirty-six square miles of land.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 29, 1868.

CHAPTER 51.

[*Published March* 2, 1863.]

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

AN ACT to amend chapter 133 of the general laws of 1863, relating to the laying out of highways.

SECTION 1. Section one of chapter 133 of the general laws of 1863 is hereby amended so as to read as follows; "Section 1. The county board of supervisors of each county shall be commissioners to lay out, survey and establish highways extending through or into two or more towns, or along and near the town line between two or more towns in such county." Amended.

SECTION 2. Section two of chapter 133 of the general laws of 1863 is hereby amended so as to read as follows: "Section 2. Upon petition of not less than thirty resident freeholders, and not less than fifteen from each town through or into which, or along and near to the line of which it is proposed to lay such highway, praying the laying out, surveying and establishing of a public highway extending into or through, or along and near to the line between at least two of the towns of such county, the said board of supervisors shall proceed to lay out, survey and establish such highway, if in their opinion the public good will be thereby promoted." Ibid.

SECTION 3. Section three of chapter 133 of the general laws of 1863, is hereby amended by inserting after the word "through," in the last line but one of said section and before the word "which," in the same line, the words "or along and near to the line of." Ibid.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved February 29, 1863.

CHAPTER 52.

[*Published March* 2, 1868.]

AN ACT to amend chapter 491 of the general laws of 1865, entitled "an act to confer jurisdiction on the county court of Outagamie county."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended. SECTION 1. Section 14 of chapter 491 of the general laws of 1865, entitled "an act to confer jurisdiction on the county court of Outagamie county," is hereby amended so as to read as follows: "Section 14. There shall be held at the county seat of the said Outagamie county, four terms of said court in each year, viz: on the first Monday of April, the first Monday of July, the first Monday of October and the fourth Monday of December in each year."

Ibid. SECTION 2. Section 20 of said chapter 491 is hereby amended so as to read as follows: "Section 20. The said county judge shall receive a salary of five hundred dollars per annum, to be paid quarterly out of the county treasury."

SECTION 3. So much of chapter 491 of the general laws of 1866 [1865] as conflicts with the provisions of this act is hereby repealed.

SECTION 4. This act shall take effect from and after its passage.

Approved February 29, 1868.

CHAPTER 53.

[*Published March* 2, 1868.]

AN ACT to legalize dissections.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Public officers may deliver SECTION 1. It shall be the duty of each and every public officer having the charge of dead bodies, such

as are required to be buried at the public expense, to deliver to any member or agent of a county or state medical society, on presentation of an order signed by the president or secretary of such society, each and every dead body of persons dying under his charge, unless within forty-eight hours after the death of such person or persons, the friends or relatives shall claim the same for interment. Bodies to medical societies.

SECTION 2. It shall be the duty of each and every such officer having in charge the dead body of such person to notify the friends or relatives of the deceased of the death of such person, and in no event to deliver the same to the surgeon until they are so notified and express a willingness that the body shall be so disposed of. Friends of deceased shall be notified.

SECTION 3. It shall be the duty of each and every such officer after complying with the provisions of section two of this act to deliver each and every dead body under his charge to the surgeon first complying with the provisions of section one of this act, if such officer is personally satisfied that the dead body so delivered shall be used only for the advancement and promotion of anatomical science within this state. Bodies to be delivered to first surgeon complying with this act.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved February 29, 1868.

CHAPTER 54.

[*Published March* 3, 1868.]

AN ACT to authorize the superintendent of public instruction to apportion school moneys to the town of Preston, Trempealeau county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The state superintendent of public instruction is hereby authorized and directed to apportion to the town of Preston in the county of Trempealeau for the year 1868, such an amount of the income Superintendent may apportion money to town of Preston.

of the school fund as said town would have been entitled to if district number one thereof had maintained a school by a qualified teacher for five months during the year ending August 31st, 1867.

Duty of town clerk.

SECTION 2. The town clerk of said town of Preston in apportioning school moneys to the several districts of said town for the year 1868, shall apportion to school district number one the full amount which the number of children over four and under twenty years of age, as returned in the report of the district clerk for the year ending August 31st, 1867, would have drawn if said district had maintained a school by a qualified teacher five months during said year, as required by law.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 29, 1868.

CHAPTER 55.

[*Published March*, 6, 1868.]

AN ACT to organize the county of Dallas and locate the county seat thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

County of Dallas organized.

SECTION 1. From and after the first day of January, one thousand eight hundred and sixty-nine, the county of Dallas shall be organized for county and judicial purposes.

Shall remain one town.

SECTION 2. The said county of Dallas shall remain one town, to be known as Dallas, until the board of supervisors of said county shall divide the same into other and more towns.

Town officers to be elected.

SECTION 3. There shall be elected in said county of Dallas on the first Tuesday of November, in the year one thousand eight hundred and sixty eight, by the qualified electors of said county at the general election, all the town officers now required by law to be elected in the towns of this state, who shall qualify and enter

upon the duties of their several offices within ten days after the firs' day of January, one thousand eight hundred and sixty-nine, and hold their respective offices until their successors are duly elected and qualified. The said election shall be held on section number twenty six, in township number thirty four north, of range number twelve west of the fourth principal meridian.

Governor shall appoint county officer

SECTION 4. Before the first day of January, one thousand eight hundred and sixty-nine, the governor shall appoint in and for said county all the county officers except a county judge, now required by law, who shall qualify and enter upon their duties within ten days after the first of January, one thousand eight hundred and sixty-nine, and continue in the same until their successors are chosen at the general election of one thousand eight hundred and sixty nine and duly qualified. The governor shall, on or before the said first day of January, one thousand eight hundred and sixty-nine, appoint a county judge in and for said county, who shall qualify and enter upon the duties of his said office at the same time the other county officers, to be appointed by the governor, enter upon the duties of their several offices; and the said county judge shall hold his office until his successor is elected at the annual town meeting in April, one thousand eight hundred and sixty-nine.

Terms of the circuit court.

SECTION 5. The terms of the circuit court in and r said county shall be held on the last Monday of ebruary and the last Monday in August in each and every year.

County seat located.

SECTION 6. The county seat of said county shall be and hereby is located on section number twenty-six, in township number thirty-four north, of range number twelve, west of the fourth principal meridian.

In case of failure to elect town officers, special election may be called.

SECTION 7. If from any cause the election of town officers in said county does not take place at the times herein named, such elections may be held at any time before the first day of January, one thousand eight hundred and sixty-nine, to be designated by a resolution of the town board of supervisors of the town to which the county of Dallas is now attached, to be posted in three separate public places in said county, at least ten days before such election.

SECTION 8. All acts and parts of acts conflicting with this act are hereby repealed so far as they apply to Dallas county.

Approved March 2, 1868.

CHAPTER 56.

[*Published March* 3, 1868.]

AN ACT to amend section one of chapter one hundred and twelve of the general laws of 1867, entitled "an act for the limitation of tax certificates."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section one of chapter one hundred and twelve of the general laws of 1867, entitled "an act for the limitation of tax certificates," is hereby amended so as to read as follows: "From and after six years from the day of sale of any lands or lots heretofore sold or hereafter to be sold for the non-payment of taxes by any officer of any county, city or village, no deed shall be issued on the certificate or certificates of sale issued on such sale, and no action, either at law or in equity, shall be commenced on such certificate after the expiration of six years from the said day of sale: *provided*, that the provisions of this section shall not apply to certificates owned by counties or municipal corporations, or by their assignees, until the expiration of six years from the date of assignment of such certificate; *and provided further*, that when the issuing of a deed on a tax certificate or certificates, or the commencement of an action on such certificate shall be stayed by injunctions, the time of the continuance of such injunction shall not be part of the time limited for the issuing of such deed or for the commencement of such action."

Proviso.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 2, 1868.

CHAPTER 57.

[*Published March* 6, 1868.]

AN ACT to authorize the Chicago and Northwestern railway company to execute a certain trust.

WHEREAS, In 1859 or thereabouts, the Chicago and Northwestern railway company issued to divers persons aiding in the construction of its railroad from Fond du Lac northerly, convertible land grant certificates, entitling the holders thereof to receive 240 sections or 153,600 acres of land, which the said company should receive on the completion of the first 20 miles of its railroad northerly from the city of Fond du Lac; and

WHEREAS, Such certificates entitled the holder thereof to receive such a proportionate share of said lands as the amount of money for which the same was given and expressed therein bore to $1,840,000 appraised value thereof; and

WHEREAS, The said company has completed said 20 miles of road and received such lands; and

WHEREAS, The owners and holders of many of these certificates are unknown and cannot be ascertained, therefore, for the purpose of enabling said company to make an equitable disposition of such lands among the holders of such certificates respectively,

The people of the state of Wisconsin, represented in senate and assembly do enact as follows:

Railroad company may prosecute actions in circuit courts.

SECTION 1. The said Chicago and Northwestern railway company may institute and prosecute an action or actions in the circuit court of any county of this state for a division and partition or sale of the lands for which such certificates were issued according to the respective rights of the parties interested therein, and said court may order such partition or a sale of such lands as hereinafter provided, if it shall appear that a partition cannot be made without prejudice to such parties.

Unknown holders of certificates may be made parties defendant.

SECTION 2. If the owners or holders of any such certificates are unknown, such owners or holders may be made party defendants under the style of "the unknown owners of certificates issued by the Chicago

and Northwestern railway company, in two hundred and forty sections of land granted by congress to the state of Wisconsin to aid in the construction of a railroad from Fond du Lac northerly to the state line."

Court may order defendants to appear.

SECTION 3. If any of the holders of such certificates or persons having an interest in such lands are unknown, or if either of the known holders thereof or persons so interested or parties defendants reside out of the state or cannot be found therein, and such facts be made to appear to the court in which such action is pending, or to the judge or court commissioner thereof, by affidavit, an order may be made by such court, judge thereof or court commissioner, requiring such person or persons or defendants to appear and answer the complaint by a day certain, in such order to be specified, or stand defaulted, and requiring the summons in such action, together with the following notice thereto, with blanks properly filled, viz; "Take notice, that this action is brought to make a partition or sale of 240 sections, or 153,600 acres of land, which was received by the Chicago and Northwestern railway company for the construction of twenty miles of its railroad northerly from Fond du Lac, and for which land said company issued convertible land grant certificates, and that pursuant to an order, duly made according to law, you are hereby required to appear and answer the complaint in said action, on or before the —— day of ——, A. D., 186—, or you will stand defaulted. Dated ——— A. D., 186—. To (here naming those who are not served with process)," to be either personally served upon such defendants or published in such paper or papers as shall therein be designated, and for the length of time to be designated in such order, and upon due proof of personal service or publication of such summons and notice as aforesaid, jurisdiction shall be acquired of all such defendants, and upon their failure to appear and answer, as required by said order, they shall stand defaulted.

Form of notice.

When judgment may be entered in default of answer.

SECTION 4. The proof of personal service or of the publication of such summons and notice as required by said order shall authorize the court to proceed to final judgment against all such unknown parties and persons not resident in this state, or not found therein, as shall not appear and answer by the day mentioned in the order, or on such future day as the court may appoint,

in the same manner as provided in other cases of failure to answer the complaint, and all such unknown parties as may appear shall be entitled to be made parties to the action, and they may so be made parties by an order of the court, the judge thereof or any court commissioner thereof, and whereupon the attorney of the plaintiff may insert such party's name in the complaint on file, and he shall thereupon become a party to such suit to all intents and purposes, as if he had been made originally a party therein.

How lands may be sold.

SECTION 5. If in such action the court shall order a sale of such lands, it shall appoint a commissioner for that purpose, and may in its discretion direct such commissioner to receive in payment of such lands so sold, the said certificates at the amount expressed upon the face thereof if tendered for that purpose by the lawful holder thereof, and thereupon said certificates to be cancelled and delivered to the said company: *provided, however*, that such certificates shall not be received in payment upon any purchase or purchases of lands, unless the price therefor bid and to be paid shall be at least twelve dollars per acre in the aggregate: *provided, further*, that the court shall direct and require the payment of such a per centage of the purchase money of each tract and tracts of land sold, to be paid in lawful money, as it shall deem sufficient to pay the cost and expense of such action, or partition or sale, including reasonable attorney, counsel and commissioner's fees; and the said court is hereby authorized and directed to allow the plaintiff in such action a per centage or sum as it shall deem sufficient to pay the costs and expenses of such action or partition or sale, including attorney and counsel fees, and shall also allow such commissioner such per centage or sum as it shall deem sufficient to pay his costs and expenses and for his services.

How lands remaining unsold to be disposed of.

SECTION 6. If any such lands should remain unsold for want of bidders either in lawful money or for such certificates, and all of such certificates should not be cancelled, the court may in its judgment in such action, or by a further subsequent judgment or order, make [such] provision for the disposal thereof, as shall discharge the said railroad company from its trust or relation thereto, as shall seem meet for the benefit of the persons interested therein, and may, as it seems advisable, place the same

in the hands of a commissioner or trustee, or trustees, for division, sale or disposal, or otherwise, as shall seem to the court equitable to the parties in interest, and to give authority to make all necessary transfers or conveyance thereof.

Purchasers to be seized of the lands purchased in severalty.

SECTION 7. The person or persons purchasing any of said lands and surrendering any of such certificates in payment thereof, shall be seized in fee of the premises so purchased in severalty, and the said company shall be forever discharged from any trust or liability in reference thereto, and such commissioner may give to such purchaser or purchasers certificate or certificates of such sale or sales, and of such purchase or purchases, which shall be received in evidence in any of the courts of this state, and shall be *prima facie* evidence of the facts therein contained, and shall be *prima facie* evidence of title in fee of the lands therein described in the person or persons therein named as his or their assigns.

Lands need not be described in subdivisions.

SECTION 8. It shall not be necessary in any advertisement or notice of sale of said lands to describe them by their legal subdivisions into sections or parts of sections, but it shall be sufficient to describe them as two hundred and forty sections or 153,600 acres of land, more or less, granted by congress to aid in the construction of a railroad from Fond du Lac northerly to the state line, being the lands first selected by the Chicago and Northwestern railway company under such grant; but such lands shall not be sold in larger tracts than one section at a time; *and provided further*, at his option, such commissioner may offer and sell at the same time all the tracts of land in any one section.

Law of partition to apply to actions.

SECTION 9. The general provisions of the laws of Wisconsin affecting courts of equity or law in partition cases, shall apply to the action authorized by this chapter, so far as the same are applicable and not inconsistent with the provisions hereof.

SECTION 10. All laws inconsistent with this act are hereby repealed, so far as they contravene the provisions of this act, and no further. This act shall take effect and be in force from and after its passage and publication.

Approved March 2, 1868.

CHAPTER 58.

[*Published March* 4, 1868.]

AN ACT to amend section one of chapter 136 of the general laws of 1860, entitled "an act to provide and appropriate compensation to the officers of the legislature."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter 136 of the general laws of 1860 is hereby amended so as to read as follows: "There is hereby appropriated out of any money in the state treasury not otherwise appropriated, a sum sufficient to pay the per diem of officers of the legislature as follows: To the chief clerks each six dollars; to the assistant clerks and sergeant-at-arms each five dollars; to all other clerks, book-keepers, clerks of standing committees, assistant sergeant-at-arms and postmasters, each four dollars; to the assistant postmasters, door-keepers, firemen, porters, gallery attendants and night watchmen each three dollars and fifty cents; to all messengers each two dollars." Amended.

SECTION 2. This act shall apply to the whole time of the present session of the legislature.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 3, 1868.

CHAPTER 59.

[*Published March* 6, 1868.]

AN ACT to amend sections 10 and 11 of chapter 9 of the revised statutes, entitled "of the legislature."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section ten of chapter nine of the revised statutes is amended so as to read as follows: Section 10. The speaker of the assembly shall be entitled to Amended.

receive the same compensation allowed to other members of the legislature for his services as speaker of the assembly; but in case of an extra session of the legislature no extra compensation shall be allowed."

Amended. SECTION 2. Section eleven of chapter nine of the revised statutes is hereby amended so as to read as follows: "Section 11. The lieutenant governor shall be entitled to receive double the compensation allowed to members of the legislature, and the same mileage as is paid to members, for his services as president of the senate; but in case of an extra session of the legislature no extra compensation shall be allowed. The secretary of state shall draw his warrant on the state treasurer for the payment of the salary and mileage of the lieutenant governor upon the presentation to him of such certificate as is required in case of a member of the senate."

Appropriation. SECTION 3. There is hereby annually appropriated a sum sufficient, to be paid out of the state treasury, to carry out the provisions of this chapter.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 3, 1868.

CHAPTER 60.

[*Published March* 4, 1868.]

AN ACT to construe sections one and two of chapter 160 of the general laws of 1859, and to amend section two of said chapter.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Construction of laws relative to interest. SECTION 1. It was and is the true intent and meaning of sections one and two of chapter 160 of the general laws, passed in the year 1859, and of all other laws heretofore enacted in this state, prescribing and limiting the rate of interest, that interest should not be compounded or bear interest upon interest unless an agreement to that effect was clearly expressed in writing and signed by the party to be charged therewith.

SECTION 2. Section two of chapter 160 of the general laws of 1859, is hereby amended by adding thereto the following: "and in the computation of interest upon any bond, note or other instrument or agreement, interest shall not be compounded, nor shall the interest thereon be construed to bear interest." Amended.

SECTION 3. This act shall take effect from and after its passage and publication.

Approved March 3, 1868.

CHAPTER 61.

[*Published March* 4, 1868.]

AN ACT to amend subdivision 2 of section 1 and to repeal subdivision 3 of section 1 of chapter 92 of the revised statutes, entitled "of real property by descent"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Subdivision 2 of section 1 of chapter 92 of the revised statutes is hereby amended so as to read as follows: "If he shall leave no issue, his estate, real and personal, shall descend to his widow; and if he shall leave no issue or widow, his estate shall descend to his father." Amended.

SECTION 2. Subdivision 3 of section 1 of chapter 92 of the revised statutes, and all laws conflicting with the provisions of said section 1 as amended, are hereby repealed. Ibid.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 3, 1868.

CHAPTER 62.

[*Published March* 6, 1868.]

AN ACT to provide for the payment of the per diem of the employees of the senate and assembly.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Secretary of state to audit accounts of employees.

SECTION 1. The secretary of state is hereby authorized and directed to audit the accounts of such persons as have been employed by the senate or the assembly or by the chief clerk or sergeant-at-arms of the senate or assembly, in addition to those authorized by chapter 44 of the laws of 1866, during the present session: *provided*, that he shall require such certificates of service as are required by law in case of other employees of the legislature.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 3, 1868.

CHAPTER 63.

[*Published March* 6, 1868.]

AN ACT to authorize the secretary of state to purchase a digest of the laws of the state of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follow:

Secretary of state to purchase digest.

SECTION 1. The secretary of state is hereby authorized and required to purchase six thousand copies of the digest of the laws of the state of Wisconsin, passed since the revision of the statutes in 1858, which digest is now being prepared by E. A. Spencer, and which digest shall be stitched and bound in substantial paper covers and delivered as early as the laws of the present session of the legislature are ready for delivery, and shall contain a digest of the laws of the present

session of the legislature: *provided*, that the price paid for said digest shall not exceed eighty cents per copy of three hundred pages, and a proportionate amount for a greater or less number of pages; *and provided further*, that the secretary of state shall distribute the same number of copies of said digest to each county in this state as the law requires that he shall distribute of general laws; and the register of deeds of each county shall distribute such digest to such town officers and others as he is now required by law to distribute the general laws. Proviso.

SECTION 2. There is hereby appropriated out of any money in the state treasury belonging to the general fund, a sum sufficient to defray the expenses authorized by this act.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 3, 1868.

CHAPTER 64.

[*Published March* 6, 1868.]

AN ACT to dispense with the drawing and impanneling of jurors in the county of Burnett, in the 11th judicial circuit, at the January term of the court in said county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There shall be no grand or petit jury drawn, summoned or impanneled for the January term of the circuit court in the county of Burnett: *provided*, the judge of said circuit may, in his discretion, by an order in writing, to be filed in the circuit court clerk's office of the said county of Burnett, at least twenty days before the commencement of said term, direct the drawing and summoning of a grand and petit jury for such term, and thereupon a grand and petit jury shall be drawn, summoned and impannelled accordingly, as provided by law in other cases. No jurors to be drawn for January term.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 3, 1868.

CHAPTER 65.

[*Published March* 5, 1868.]

AN ACT to provide for the settlement of the claim of E. A. Calkins against the state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Secretary of state to settle with E. A. Calkins.

SECTION 1. The secretary of state is hereby authorized and directed to ascertain the number of assessment blanks accepted and used by the several counties in the state, which were furnished such counties from the office of the secretary of state in the year 1858, and to charge each county with the number so received and used, at the rate of one dollar per quire, and to add the amount so charged to each county to the amount of state tax apportioned to each of said counties for the year 1868. Should the secretary of state be unable to ascertain definitely from the records in his office the number of blanks received and used by each county, he shall take the list published on pages 59 and 60 of the assembly journal for the annual session of the year 1859, and charge the counties respectively with the number received by each as shown by said list.

How amount to be ascertained.

SECTION 2. The secretary of state shall ascertain the aggregate amount charged to the several counties of the state in pursuance of the preceding section, and after deducting from such aggregate amount the sum of twelve hundred and fifty dollars, he shall draw his warrant on the state treasurer, payable to E. A. Calkins or his assigns, for the balance of said aggregate amount: *provided*, said E. A. Calkins shall deliver to the secretary of state, properly executed, a good and sufficient release in full of all demands or claims either in law or equity, growing out of or arising from any printing, publishing or advertising done by said Calkins or by the late firm of Calkins and Webb, for the state of Wisconsin.

May draw warrant for amount

SECTION 3. The secretary of state shall deliver to E. A. Calkins or his assigns the warrant authorized to be drawn by the preceding section upon delivery to him of the release therein mentioned, and the state treasurer shall pay said warrant upon presentation.

SECTION 4. There is hereby appropriated out of any money in the state treasury belonging to the general fund not otherwise appropriated, a sum sufficient to carry out the preceding sections of this act. Treasury warrant No. 688, dated November 15th, 1858, is hereby cancelled and declared to be void and of no effect. Appropriation.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved March 4, 1868.

CHAPTER 66.

[*Published March* 6, 1868.]

AN ACT to amend chapter 78 of the general laws of 1867, entitled "an act for the preservation of game."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 6 of chapter 78 of the general laws of 1867, entitled "an act for the preservation of game," is hereby amended so as to read as follows: "Section 6. This act, except the fourth section thereof, shall not affect uncivilized Indians on their own reservations." Amended.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1868.

CHAPTER 67.

[*Published March* 9, 1868.]

AN ACT to protect the meadows adjacent to Apple river from overflow at certain times.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Companies shall not overflow lands.

SECTION 1. No company now empowered by charter to build and maintain a dam or drive logs in Apple river, and no company which may hereafter be chartered for each or either of such purposes in the said river, shall by venting, obstructing or in any way or manner interfering with the waters of the said river cause it to overflow its banks and the meadows adjacent thereto, or any part thereof, at any time between the fourth (4) day of July and the next ensuing fourth (4) day of September of each and every year.

Penalty for overflowing lands.

SECTION 2. Any member of such dam or log driving company now chartered, or which shall be chartered hereafter, or any agent or servant thereof or any other person whatsoever, who by venting, obstructing or otherwise interfering with the waters of the said river during the time aforesaid shall cause it to overflow its banks and the adjacent meadows or any part thereof, contrary to the provisions of this act, besides the penalty already prescribed by law, shall be deemed guilty of a misdemeanor, and shall be subject to indictment thereon, and on conviction under such indictment shall be punished by imprisonment in the county jail for a term of not less than thirty days or exceeding one year, or by a fine of not less than one hundred dollars or exceeding one thousand dollars.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1868.

CHAPTER 68.

[*Published March* 6, 1868.]

AN ACT to provide for certain deficiencies in the law department of the state library.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The governor is hereby authorized to procure for the state library such volumes of English or American reports, statutes, parliamentary debates, or digests, published before the year 1860, as may be certified to him by the chief justice of the supreme court to be necessary or desirable for the purposes of said library. Governor may procure reports

SECTION 2. On the presentation to him of bills for such books, with the approval of the governor endorsed thereon, and a certificate of the state librarian that the books have been received in good condition at the state library, the secretary of state is authorized to audit such bills and to issue warrants for the amounts thereof upon the state treasurer, in favor of the persons of whom such books are purchased, or the the person authorized to receive payment therefor: *provided*, that the whole amount to be paid from the state treasury under the provisions of this act shall not exceed six hundred dollars in any one year; *and provided further*, that the authority conferred by this act upon the governor and secretary of state, shall cease and determine at the end of two years from the passage thereof. Secretary of state to audit accounts for books.

SECTION 3. No books shall hereafter be purchased for the state library, except law books, books of reference and works on political science and statistics: *provided*, that this shall not be construed to prevent the completion of any defective sets of valuable works now in the library. What books to be hereafter purchased.

SECTION 4. There is hereby appropriated from any money in the state treasury not otherwise appropriated an amount sufficient to pay the expenditures authorby this act. Appropriation.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1858.

CHAPTER 69.

[*Published March* 11, 1868.]

AN ACT to attach the the county of Dallas to the county of Dunn for judicial purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

County of Dallas attached to Dunn.

SECTION 1. The county of Dallas is hereby attached to the county of Dunn for judicial purposes, and from and after the time when this act shall take effect shall be deemed and treated as not organized for judicial purposes.

Powers and jurisdiction of certain officers.

SECTION 2. The circuit court of the circuit which includes the aforesaid counties and the judge thereof, and the following officers of Dunn county, to wit: the clerk of the circuit court, sheriff, coroner and district attorney shall respectively, as to the county of Dallas, for all judicial purposes, have, exercise and perform the same powers, jurisdiction and duties as if the territory of the said county of Dallas were part of the county of Dunn.

Manner of selecting jurors.

SECTION 3. A list of persons for the use of the board of supervisors of Dunn county, in selecting persons qualified to serve as grand and petit jurors, shall be by the proper officer or officers of each town of Dallas county, made and returned annually to the clerk of the board of supervisors of Dunn county in the manner and at the times as provided by law for the making and return of like lists from the several towns of Dunn county.

Expenses of counties, how apportioned.

SECTION 4. In each year, after this act shall take effect, the board of supervisors of Dunn county, at their annual meeting on the Tuesday next succeeding the general election, shall cause a statement in items to be made of all expenses which within the next preceding year the said county of Dunn shall have paid or incurred on account of circuit courts in said county, exclusive of all costs and expenses incurred in prosecuting crimes and misdemeanors perpetrated in said Dunn county proper, and other county proceedings and actions affecting said county, and also exclusive of all costs and expenses for which the said county of

Dallas shall be liable under the provisions of section 173 of chapter 18 of the revised statutes. The said statement shall be certified by the clerk of said board, who shall also at the same time make and certify a statement of the amount of state tax apportioned in the same year to the said county of Dunn, and thereupon shall transmit both of said certified statements to the clerk of the board of supervisors of Dallas county, who, on receiving the same, shall file them in his office; and thereupon it shall be the duty of the board of supervisors of Dallas county to provide for the payment, as soon as practicable, by their county to Dunn county, of such proportion of the expenses so paid or incurred and stated in the first above mentioned certified statement, as shall be in the ratio which the state tax apportioned to Dallas county in the year as aforesaid, shall bear to the state tax so apportioned to Dunn county; and for that purpose the board of supervisors of Dallas county shall appropriate annually a sufficient sum, and cause the same to be paid into the treasury of Dunn county.

How records of court to be transferred.

SECTION 5. The records of all suits, proceedings and actions heretofore commenced, had or determined in the circuit court of Dallas county, which records shall be in the office of the clerk of said court for said county at the time this act shall take effect, shall, as soon as may be after this act shall take effect, be transferred to the office of the clerk of the circuit court for Dunn county, and from the time of such transfer shall be deemed proper records of said last above mentioned office, with their legal force and effect, however, in no wise impaired so far as lands, property or persons theretofore affected by the same may be concerned; and it shall be the duty of the clerk of said court for Dunn county forthwith to demand and receive from the clerk of said court for Dallas county, and the duty of the latter to deliver accordingly, all said records; and all judgments heretofore docketed in the office of the clerk of the circuit court for Dallas county, and remaining unsatisfied, shall, upon the transfer of said records as aforesaid, be docketed in the office of the clerk of the circuit court for Dunn county, and thereupon become a lien upon the real property of the judgment debtor in said county, as in the case of a judgment duly rendered and docketed therein origi-

How judgment liens to be affected.

nally. Nevertheless the lien of any such judgment, so far as real property in Dallas county theretofore affected with the same shall be concerned, may be enforced as from the date of the inception of such lien in Dallas county, and to that purpose the execution issued on any such judgment may in phrase and tenor conform. Liens of judgments heretofore docketed in Dunn county and remaining unsatisfied, shall in each case attach to the real property of the judgment debtor in Dallas county, only from the time when chapter 480 of the private and local laws of 1866 (for which [this] act is a substitute) took effect; and the execution issued on any such judgment may be in such form as will be adapted to the enforcement of such lien from that time. All suits and proceedings that shall be pending in the circuit court of Dallas county at the time this act shall take effect, shall thereafter be prosecuted and carried on in Dunn county, in the same manner and with like effect as if they had been commenced in Dunn county.

SECTION 6. So much of any law as provides for holding terms of the circuit court in Dallas county is hereby repealed.

SECTION 7. Nothing in this act contained shall be construed to abolish or affect the jurisdiction of the county court or county judge of Dallas county.

SECTION 8. This act shall take effect and be in force from and after the first day of February, one thousand eight hundred and sixty-nine.

Approved March 4, 1868.

CHAPTER 70.

[*Published March* 9, 1868.]

AN ACT relative to the sale of poison, and amendatory to section 6 of chapter 171 of the revised statutes, entitled an act "of offenses against the public health."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 6 of chapter 171 of the revised statutes is hereby amended so as to read as follows: "Section 6. That every apothecary, druggist or other person who shall sell or give away, except upon the prescription of a regular physician, any article or articles of medicine belonging to the class usually known as poisons, shall require: First. To register in a book kept for that express purpose, the name, age and sex of the person obtaining such poison. Second. The quantity sold. Third. The purpose for which it is required. Fourth. The day and date on which it was obtained. Fifth. The name and place of abode of the person for whom the article is intended. Sixth. To carefully mark the word 'POISON' upon the label or wrapper of each vial or package. Seventh. Neither to sell or give away any article of poison to minors of either sex." Amended. Apothecaries to keep register of poisons sold.

SECTION 2. That any person offending against the provisions of this act, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in any sum not less than twenty nor more than one hundred dollars, at the discretion of any court of competent jurisdiction. Penalty for violation of this act.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1868.

CHAPTER 71.

[*Published March* 9, 1868.]

AN ACT to amend section one of the general laws of 1867, entitled "of medical societies."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section one of chapter 95 of the general laws of 1867, entitled "of medical societies," is hereby amended by adding thereto as follows: "and that if any practicing physician or surgeon shall write or cause to be written, any prescription or recipe, in any characters, figures or cypher, other than in the English or Latin language, generally in use among medical practioners, he or she shall be deemed guilty of a misdemeanor, and shall be punishable for every such offence by a fine of a sum not exceeding twenty-five dollars and not less than five dollars."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1868.

CHAPTER 72.

[*Published March* 10, 1868.]

AN ACT to authorize the superintendent of public instruction to apportion school moneys to the towns of Caledonia and Mt. Pleasant, Racine county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Shall apportion school moneys.

SECTION 1. The state superintendent of public instruction is hereby authorized and directed to apportion to the towns of Caledonia and Mt. Pleasant, in the county of Racine, for the year 1868, such an amount of the income of the school fund as said towns would have been entitled to if joint district number twenty

thereof had maintained a school by a qualified teacher for five months during the year ending August 31, 1867.

Town clerk shall apportion moneys to district No. 20.

SECTION 2. The town clerks of the towns of Caledonia and Mt. Pleasant in apportioning school moneys to the several districts of the said towns for the year 1868, shall apportion to joint district number twenty the full amount which the number of children, over four and under twenty years of age, as returned in the report of the district clerk for the year ending August 31, 1867, would have drawn if said district had maintained a school by a qualified teacher five months during said year as required by law.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1868.

CHAPTER 73.

[*Published March* 9, 1868.]

AN ACT to amend chapter 398 of the general laws of 1864, entitled "an act to authorize certain counties and towns therein named to vote a tax to aid in the construction of a railroad therein."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Sections one (1) and seven (7) of said chapter are hereby amended by adding after the word "Richland" where it occurs in said sections the word "Crawford."

Ibid.

SECTION 2. Section six (6) of said chapter is hereby amended by striking out all after the words "railroad company," where they occur in the sixteenth (16) line of said section.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 4, 1868.

CHAPTER 74.

[*Published March* 9, 1868.]

AN ACT to provide for the printing and publication of the transactions of the state agricultural society.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Shall print transactions.

SECTION 1. The state printer is hereby directed to print on good book paper, fold, stitch and bind in muslin covers, uniform in style with the last volume published, three thousand copies of the seventh volume of "transactions of the Wisconsin state agricultural society," embracing the years 1861, 1862, 1863, 1864, 1865, 1866, 1867: *provided*, the number of printed pages of said volume shall not exceed five hundred; and to deliver the same, when complete, to the superintendent of public property, to be by him distributed as follows, to wit: Six hundred copies for the use of the legislature, fifty copies to the state library, fifty copies to the state historical society, fifty copies to the Wisconsin agricultural and mechanical association located at Milwaukee, fifty copies to the Northwestern agricultural and mechanical association located at La Crosse, fifty copies to the state horticultural society, twenty five copies to each county agricultural society in active operation: *provided*, that each of said industrial societies and associations shall furnish to the secretary of the Wisconsin state agricultural society an abstract of the [its] proceedings for publication in said volume; and all remaining copies to the said state agricultural society.

How volume distributed.

Extra copies of horticultural report.

SECTION 2. The state printer is further directed, when the report of the state horticultural society, to be included in the volume of "transactions" aforesaid, shall be in press, to print, fold, stitch and cover with suitable paper, one thousand extra copies of the same for the use of said society.

Transactions to be published annually.

SECTION 3. Hereafter, or until the legislature shall otherwise order, the transactions of the Wisconsin state agricultural society, including the report of the state horticultural society, together with abstracts of the reports of all the other industrial associations of the state,

so far as the same may be furnished, and such other material as is contemplated in section six of chapter eighty of the revised statutes, shall be annually printed, published and distributed in like manner and number as provided in sections one and two of this act, on the order of the governor.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 4, 1868.

CHAPTER 75.

[*Published March* 10, 1868.]

AN ACT to amend section two of chapter 132 of the general laws of 1866, entitled "an act to vest the title of unredeemed lands in counties."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section two of chapter 132 of the general laws of 1866, is hereby amended so as to read as follows: "Section 2. The county board of supervisors shall have full authority to sell and convey any and all such lands, and the certificates of tax sales to the county in such cases may be assigned, and tax deeds issued thereon, in accordance with the law now in force in such cases, and the proceeds therefrom shall be paid into the general or contingent fund of the county." Amended

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1867.

CHAPTER 76.

[*Published March* 9, 1868.]

AN ACT to authorize the secretary of state to credit [audit] the account of C. H. Purple, for services as bank clerk.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May audit account.

SECTION 1. The secretary of state is hereby authorized to audit the account of C. H. Purple for services as bank clerk in the year 1860–1861, and draw his warrant on the treasurer for such amount as he shall find legally due on said account.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 4, 1868.

CHAPTER 77.

[*Published March* 10, 1868.]

AN ACT to provide for the incorporation of benevolent, bible and literary societies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

How societies may be organized.

SECTION 1. Any number of persons, not less than five, may unite for the purpose of organizing an association for benevolent, literary, charitable, musical, scientific, religious and missionary purposes, and for the distribution of the bible or parts thereof. They may sign and acknowledge before some proper officer authorized to take acknowledgment of deeds, a certificate in writing, in which shall be stated the name of such association, the names of the corporators and the name of the city, village, town and county in which the operations of such association are to be conducted. Such certificate shall be filed in the office of the register of deeds of

the county in which the business of the association shall be carried on, and a duplicate thereof shall be filed in the office of the secretary of state.

SECTION 2. Upon filing a certificate as provided in the first section of this act, the persons who shall have signed and acknowledged such certificate, and their associates and successors shall thereupon be a body politic and corporate, by the name stated in such certificates. Said corporation shall be capable of taking, receiving, purchasing and holding, selling and disposing of real and personal estate, to make by-laws for the management of its officers, [affairs,] not inconsistent with the constitution and laws of this state or of the United States; to elect and appoint such officers and agents for the management of its business as may be deemed advisable, and to fix their term of office and the terms and qualifications of membership therein. Powers of such corporation.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1868.

CHAPTER 78.

[*Published March* 10, 1868.]

AN ACT to fix the time of holding the circuit court in Fond du Lac county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There shall be three general terms of the circuit court in and for the county of Fond du Lac in each year, to be held as follows: On the first Tuesday of March, the second Tuesday of September and the second Tuesday of December. No grand jury shall be drawn or summoned for the September term unless ordered by the judge of said circuit. Number of general terms to be held.

SECTION 2. There shall be two special terms of the circuit court in Fond du Lac county in each year, to be held as follows: On the first Tuesday of May and the first Tuesday of July, at either of which terms any Number of special terms to be held.

business arising within the 4th judicial circuit which does not require the intervention of a jury may be heard and disposed of. No grand or petit jury shall be drawn or summoned for said special terms, and no notice of the holding of the same shall be required.

SECTION 3. All acts or parts of acts conflicting with or contravening any of the provisions of this act are hereby repealed, so far as they conflict with or contravene the same.

SECTION 2. This act shall take effect and be in force from and after the first day of June, 1868.

Approved March 4, 1868.

CHAPTER 79.

[*Published March* 9, 1868.]

AN ACT to amend section two, chapter thirty-seven of the revised statutes, entitled "of the support of bastards."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended

SECTION 1. Section two (2) of chapter thirty-seven (37) of the revised statutes, entitled "of the support of bastards," is hereby amended by adding to said section at the end thereof, the words following, viz: "And the justice may adjourn the examination from time to time, for good cause shown, not exceeding ten days at one time; and in such case the accused may be recognized in a sum and with sureties to the satisfaction of the justice, for his appearance for such examination; and for want of such recognizance he shall be committed to prison."

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1868.

CHAPTER 80.

[*Published March* 9, 1868.]

AN ACT to authorize the state superintendent of public instruction to apportion school moneys to the town of Oxford in the county of Marquette.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. In apportioning the income of the school fund for the year 1868, the state superintendent of public instruction shall apportion to the town of Oxford, in the county of Marquette, for each district therein which has maintained school three months by a qualified teacher during the year ending August 31st, 1867. May apportion moneys.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1868.

CHAPTER 81.

[*Published March* 10, 1868.]

AN ACT to amend chapter 77 of the general laws of 1866, entitled "an act for the regulation of trade in certain cases, and chapter 21 of the general laws of 1867, entitled 'an act to amend [sections] five, nine, ten and eleven, of chapter 77 of the general laws of 1866, entitled 'an act for the regulation of trade in certain cases, and in addition to said act.'"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2 of chapter 77 of the general laws of 1866, is hereby amended by striking out the word "shall," in the first line thereof, and inserting in lieu thereof the word "may." Amended.

SECTION 2. Section 5 of chapter 21 of the general laws of 1867, is hereby amended so as to read as follows: Section 5. Hereafter no fresh water fish packed Ibid

in barrels or other packages as provided in this act, or in the act of which this is amendatory, shall be sold or offered or exposed for sale, without having been duly inspected and branded by the state inspector of fish, or one of his duly appointed deputies, and any person who shall sell or offer or expose for sale, any such fish before the same shall have been inspected and branded as aforesaid, shall be guilty of a misdemeanor, and shall forfeit a sum not less than fifty cents nor more than five dollars for each barrel or package of fish so sold or offered or exposed for sale: *provided nevertheless*, that fishermen may sell or dispose of any fish actually taken by them to dealers at any lake port within this state, without inspection; but after any fish shall have been once sold or disposed of by such fishermen, the same shall not be again sold, or offered, or exposed for sale, or disposed of without inspection, as aforesaid, except that all fish exported to lake ports out of thisstate shall not be subject to inspection.

Amended. SECTION 3. Section 6 of chapter 21 of the general laws of 1867, is hereby amended so as to read as follows: Section 6. It is hereby made the duty of every consignee of any fresh water fish, packed in the manner provided in this act, or in the act of which this act is amendatory, if such fish have not been previously inspected, to have such inspection made before offering the same for sale or making any delivery thereof to the owner or his agent, or to any other person. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and shall be punished as provided in section five.

Ibid. SECTION 4. Section 3 of chapter 21 of the general laws of 1867 is hereby amended by striking out the words "ninety" and "fifty" where they occur, and inserting in lieu thereof respectively the words "seventy-five" and "forty-five."

SECTION 5. Anything in either of the chapters of which this chapter is amendatory which is inconsistent with the provisions of this chapter is hereby repealed.

SECTION 6. This chapter shall take effect and be in force from and after its passage and publication.

Approved March 4, 1868.

CHAPTER 82.

[*Published March* 9, 1868.]

AN ACT to authorize the state superintendent of public instruction to apportion school moneys to the towns of Vinland, Clayton and Neenah, in the county of Winnebago.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The state superintendent of public instruction in apportioning the income of the school fund in the year 1868, shall apportion to the towns of Vinland, Clayton and Neenah, in the county of Winnebago, the amount the said towns would have been entitled to if joint school district No. one therein had maintained a school for five months during the year ending August 31st, 1867. Shall apportion moneys.

SECTION 2. The town clerks of the said towns of Vinland, Clayton and Neenah shall, during the year 1868, apportion to joint district No. one thereof the full sum of money said district would have been entitled to, if the report of the clerk of said district for the year 1867 had shown that a school had been maintained therein, by a qualified teacher, for five months during the year covered by such report. Duty of town clerks.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1868.

CHAPTER 83.

[*Published March* 9, 1868.]

AN ACT to amend section one, chapter 32, of the revised statutes, entitled "of the public health."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The words "justices of the peace," in the first line of section one of chapter thirty-two of the Amended.

revised statutes are hereby stricken out, and the said section is amended by inserting in lieu thereof the words "board of supervisors."

SECTION 2. This act shall take effect from and after its passage and publication.

Approved March 4, 1868.

CHAPTER 84.

[*Published March* 9, 1868.]

AN ACT to declare the Shioc river and its tributaries a public highway for driving or running logs, and to regulate the same.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Declared navigable.

SECTION 1. The Shioc river and its tributaries are hereby declared to be navigable streams for the purpose of driving logs and timber from the head waters of said river and its tributaries to its mouth where it enters into the Wolf river, and it shall be lawful for any person or persons to drive logs and timber upon said Shioc river and its tributaries, subject to the conditions and limitations hereinafter provided.

Obstructions to be removed.

SECTION 2. It shall not be lawful for any person or persons to obstruct the said Shioc river or its tributaries with any logs, timber or other materials, so as to obstruct the free navigation thereof for logs and timber, and in case any person or persons owning logs or timber, or having the same in charge, shall suffer or permit the same to remain at any place or places in said streams so as to obstruct the same for the free passage of logs or timber belonging to other parties, it shall be lawful for such other parties owning such logs or timber, or the person or persons having the same in charge, to remove such obstructions by driving the said logs and timber down any or either of said streams to some safe and secure place in said streams or in the Wolf river.

Compensation for removing obstructions.

SECTION 3. The person or persons or company, removing any such obstruction in the manner provided

in the last section, shall be entitled to a fair and reasonable compensation therefor, and for all labor and materials used in removing such obstruction, and in taking the charge and care of said logs and timber at the place to which the same may be removed, and shall have a lien thereon for such costs, charges and expenses, and said lien may be enforced in the manner provided by chapter 215 of the general laws of 1860, entitled "an act providing for a lien for labor and services upon logs and lumber in certain counties."

SECTION 4. This act shall take effect and be in force on or after its passage and publication.

Approved March 4, 1868.

CHAPTER 85.

[*Published March* 10, 1868.]

AN ACT to prevent the location of cemeteries adjacent to the benevolent institutions of the state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. No cemetery shall be located within two hundred rods of either the institution for the blind, the institution for the deaf and dumb, the hospital for the insane, the state reform school or the soldiers' orphans' home, without the consent of the trustees thereof. Location of cemeteries prohibited in certain limits.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 4, 1868.

CHAPTER 86.

[*Published March* 9, 1868.]

AN ACT to amend section thirty-two of chapter six, of the revised statutes, entitled "of the public printing, and of the publication and distribution of statutes and other public documents."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section thirty-two (32) of chapter six (6) of the revised statutes, is hereby amended as follows: "Section 32. All publishers of weekly newspapers who shall publish in their respective newspapers all the acts, designated in the foregoing section, shall be allowed sixty dollars for such entire publication, to be paid out of the state treasury as hereinafter provided."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 4, 1868.

CHAPTER 87.

[*Published March* 11, 1868.]

AN ACT for the protection of shade trees.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May cultivate shade trees.

SECTION 1. Every person whose lands are bounded by any highway or street, or through whose lands any highway or street may run, may cultivate and grow two or more rows of such kinds of trees as commonly grow forty or more feet in height on either or both sides of said highway or street, which trees may be planted one rod or less apart in the row, leaving a place for the foot path, and within eight feet of the outer line of said highway or street. And after said rows of trees are grown as aforesaid to the height of twelve feet from

the ground, the owner may give notice to the officer having the care and charge of said highway or street, that he claims the benefit of this act, for the growing of shade trees; and thereupon the officer shall make a personal examination of the rows of trees and if on such examination he shall find that the owner has grown or planted the trees and that they are growing thriftily, he shall give the owner of said land and trees a certificate showing that he accepts the said rows of trees as shade trees of said highway or street, and thereupon the said trees shall become public shade trees and be protected as public property; but the title to the trees and any fruit they may produce shall remain the property of the owner of the land.

Bounty for raising shade trees.

SECTION 2. The person receiving the certificate aforesaid shall be entitled to receive an annual bounty for the growing of public shade trees at the rate of two cents for each rod of shade trees on a side of the road, or four cents for the length of the highway where trees are planted on both sides thereof and grown as aforesaid, which said amount of bounty shall be allowed to the person holding said certificate upon the highway taxes assessed upon the same land.

Penalty for injury to trees.

SECTION 3. If any person shall, by himself or servant, cut down, break, girdle, bruise, mar the bark, or in any manner injure any public or private shade tree, or shall hitch any horse or animal to any public or private shade tree growing on the side of the highway or street, or shall allow any animal under his control to break, mar or do damage to any shade tree standing in the line of the highway, or street, such person shall be liable to pay the sum of five dollars for every shade tree which is cut down, broken, girdled, bruised, marred or injured, or to which any horse or animal is hitched, or which shall be broken, marred or damaged by any animal under his control, which sum shall be collected by the officer having charge of the highway or street on the side of which the tree so damaged shall stand or be growing, in an action of trespass, and which money when collected shall constitute part of the highway fund in the hands of the officer and be used accordingly, and the person doing or allowing the committing of such damage shall be liable further to the owner of the land for all damage he may sustain, the same as if the public had no interest in said shade trees. Every

By whom enforced.

officer having charge of the highways or streets who shall cut down, destroy or damage any tree planted or grown as aforesaid for a shade tree, within eight feet of the outer line of the highway or street, or shall order or permit the same to be done by his workmen, shall be personally liable the same as any other person under the provisions of this section. This section shall not prohibit the owner or the land from cutting any dead or decaying tree for his own use: *provided*, he shall immediately plant another tree to take the place of the shade tree cut down.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1868.

CHAPTER 88.

[*Published March* 9, 1868.]

AN ACT concerning judgments rendered by justices of the peace.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Judgment not to be void in certain case.

SECTION 1. No judgment of a justice of the peace shall be declared void by any court of this state for the reason that the trial of the cause in which such judgment was rendered was held in a house or in a place or room appertaining thereto, in which strong, spirituous, ardent or intoxicating liquors, were at the time of such trial sold, bartered or given away.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 4, 1868.

CHAPTER 89.

[*Published March* 9, 1868.]

AN ACT to amend chapter 22 of the laws of 1859, entitled "an act relative to the sale of lands for unpaid taxes and the conveyance and redemption thereof."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section twenty (20) of chapter twenty-two (22) of the general laws of 1859, entitled "an act relative to the sale of lands for unpaid taxes and the conveyance and redemption thereof," is hereby so amended as to read as follows: "Section 20. The lands of minors, or any interest they may have in lands sold for taxes, may be redeemed at any time before such minors come of age, and during one year thereafter; and the lands of idiots, married women, widowed women, and insane persons, so sold, or any interest they may have in the same, may be redeemed at any time within five years after such sale, and such redemption shall be made in the same manner as provided in the last two preceding sections." Amended.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 4, 1868.

CHAPTER 90.

[*Published March* 10, 1868.]

AN ACT to enable school districts to acquire title to sites for school houses in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Whenever any school district in this state or any town board of supervisors in behalf of any such district shall locate a site for a school house upon How district may acquire title to site upon lands

owned by infant.

any lands owned by any infant, or in which any infant has an interest, the circuit or county court of the county in which said land is situated may authorize the guardian or parent of such infant to execute a perpetual lease of any lands of such infant, not exceeding one acre in amount, to be used by said district, its successors or assigns for school purposes only, and when any such land is held in trust for any infant the trustees may be authorized to execute such perpetual lease in behalf of the said infant for whom said land is held in trust, and when any such lease is executed pursuant to the order of said circuit or county court, the same shall pass to and vest in the lessee all the interest of said infant in said lands authorized to be granted by said court.

Condition of lease.

SECTION 2. Before granting leave to make and execute said lease it shall be made to appear satisfactorily to said court that the said premises are needed for school purposes, that the consideration to be paid for the interest of said infant therein is adequate, and that the interest of said infant will not be prejudiced by the execution of said lease; and before making any such order the court shall require the guardian or other person authorized to execute said lease to execute a bond to account for and pay over the funds or money received, as in cases provided by law for the sale of lands of minors.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 4, 1868.

CHAPTER 91.

[*Published March* 9, 1868.]

AN ACT to amend section 51, chapter 18, of revised statutes, "of assessment and collection of taxes."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section fifty-two of chapter eighteen of the revised statutes is hereby amended by adding as

follows: And it shall be the duty of the clerk of the board of supervisors, before delivering such corrected assessment roll to the supervisors, to enter therein, opposite each tract of land assessed and under the head of "taxes unpaid for previous years," the year for which any tax remains unpaid for the preceding three years, and town, city and county treasurers, in giving receipts for taxes paid upon any tract of land, shall, under the head of taxes unpaid for previous years, note in such receipt the year for which such unpaid tax is due on the tract of land thus receipted for.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1868.

CHAPTER 92.

[*Published March* 9, 1868.]

AN ACT to amend section 28 of chapter 13 of the revised statutes, entitled "of counties and county officers."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section twenty-eight of chapter thirteen of the revised statutes, entitled "of counties and county officers," is hereby amended by adding to the first subdivision of said section twenty-eight of said chapter thirteen, as follows: *provided, further*, that in case of the formation of a new town from the territory of a town or towns organized for five years or more, the said county board of supervisors shall have power to apportion to the respective portions so detached, *pro rata*, according to the last assessment roll of said town, any indebtedness which may have been legally incurred by such old towns, and the town so organized may be required to pay its proper proportion of such indebtedness, at such time or times as the same may become payable by the terms of the contracts legally made by proper officers of such old town or towns; *and provided*, Amended.

further, if, in the opinion of the county board of supervisors, it shall be necessary for an equitable apportionment of such indebtedness on the town so organized, they may cause a new assessment of the town or towns affected by such organization of a new town.

SECTION 2. This act shall be in force and take effect from and after its passage and publication.

Approved March 4, 1868.

CHAPTER 93.

[*Published March* 10, 1868.]

AN ACT to provide for the completion of the state capitol.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Building commissioners may provide for completion of capitol by contract.

SECTION 1. The governor, secretary of state, state treasurer, attorney general and bank comptroller, shall constitute *ex officio* a board of building commissioners; and they are hereby authorized to provide for the erection and completion of the rotunda and dome of the state capitol. The contract for work and material on the same shall be let by contract to the lowest and best responsible bidder, under such terms and restrictions as may be provided for in the advertisement and specifications, adopted by said board.

When shall be completed.

SECTION 2. The contract for the completion of said work shall provide for the entire completion of the said rotunda and dome, at such time as said board of building commissioners may determine, but not later than the first day of November, 1870: *provided*, that not more than twenty-five thousand dollars shall be paid in the year 1868, nor more than the sum of fifty thousand dollars in addition in the year 1869, and the remainder upon the completion and acceptance of the work in 1870.

What provisions continued in force.

SECTION 3. The provisions of section two (2), section three (3), section five (5), section six (6), section eight (8), section nine (9), section ten (10), of chapter fifty-nine (59), of the general laws of 1866, are hereby con-

tinued in force, so far as they are not inconsistent with the provisions of this act, and shall govern the commissioners in carrying into effect the provisions of this act.

SECTION 4. There is hereby appropriated out of the state treasury the sum of one hundred and two thousand dollars, which shall be drawn in accordance with law, upon the certificate of said board of commissioners. Appropriation.

SECTION 5. In case the said commissioners shall find that the contract for this work can be let on terms more favorable to the state by allowing the contractor to fit and set up the work at the manufactory, in order to render the whole more complete and perfectly fitted together, the commissioners may, after requiring proper bonds and safe-guards for the protection of the interests of the state, pay a portion of the costs of said work before the same shall be delivered at the capitol. Work may be fitted at manufactory.

SECTION 6. This act shall take effect and be in force from and after its passage.

Approved March 4, 1868.

CHAPTER 94.

[*Published March* 10, 1868.]

AN ACT relating to court expenses.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. It shall be the duty of the sheriff of each county in this state at the commencement of every term of court, to file with the clerk of said court a list of his deputies, who are to receive a per diem for attendance on court: *provided, however*, that no sheriff shall be entitled to more than three deputies at the expense of the county. The court may, however, by special order, authorize a greater number of deputies to attend jury when the court shall be engaged in the trial of any person charged with crime. Sheriff shall file list of deputies

Officers and jurors not to receive traveling fees as witnesses.

SECTION 2. No person shall be entitled to receive a per diem or traveling fees as a witness while attending court as an officer or juror.

Witness to be in actual attendance to draw per diem.

SECTION 3. No person shall be entitled to draw a per diem for attendance on court as a witness, unless such person shall have been in actual attendance on such court.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1868.

CHAPTER 95.

[*Published March* 10, 1868.]

AN ACT to require railroad companies receiving grants of land from the general government, to locate their roads and select their lands within a certain time specified.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Railroad companies must select lands within nine months.

SECTION 1. All railroad companies having lines of road within the limits of this state already located, to whom grants of land have been made by the United States, and which lands have not yet been selected, are hereby required to make such selections of all lands enuring to said railroads under the several acts of congress bestowing such grants respectively, within nine months from the date of the passage of this act.

Where line is not located must select within one year

SECTION 2. All railroad companies having lines of road within this state, not yet located and all such companies and corporations upon whom grants of land from the general government of the United States may have been bestowed by the legislature of the state of Wisconsin, are hereby required to cause the location of their respective roads and to select all land enuring to said roads, under the several acts of congress bestowing such grants, within one year from the date of the passage of this act.

Penalty for neglect to locate.

SECTION 3. Any railroad company violating or neglecting to comply with the provisions of this act,

shall forfeit the grant of land enuring to such company, and such lands shall forthwith revert to the state, and the charter of such company become forfeited: *provided, however*, that in case any of the selections made in good faith and pursuance of law by the companies shall be rejected by the commissioner of the general land office, said companies shall have such further time as may be absolutely necessary to select the remaining amount of lands they may be entitled to in lieu of such rejections: *provided*, that the provisions of this act shall not apply to the lands of the Sugar river valley railroad company, nor to the lands of the Portage and Superior railroad company.

SECTION 4. All acts and parts of acts inconsistent with this act are hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1868.

CHAPTER 96.

[*Published March* 9, 1868.]

AN ACT to amend chapter 204 of the general laws of 1859, entitled "an act to amend section fourteen of chapter one hundred and sixty-five of the revised statutes."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section two of chapter 204 of the general laws of 1859, is hereby amended so as to read as follows: "Section 2. Every person who shall break and enter in the night time or in the day time, any meeting-house, church, court house, town-house, college academy or other building, erected and employed for public use, and steal therein property not exceeding the value of twenty dollars, or who shall commit the crime of larceny in any dwelling-house, office, shop, bank, or warehouse, ship, steamboat, vessel, railroad freight car or passenger car, by stealing therein money or other property not exceeding the value of twenty dollars, Amended.

Penalty.

shall be punished by imprisonment in the county jail for the term of six months, or less in the discretion of the court, or by fine, not exceeding seventy-five dollars. Justices of the peace shall have jurisdiction, concurrent with the circuit court of the offences mentioned in this section, subject to the right of appeal, as in other cases."

SECTION 2. This act shall take effect and be in force from and after its publication.

Approved March 4, 1868.

CHAPTER 97.

[*Published March* 9, 1868.]

AN ACT relating to counties and their boundaries, and amendatory of section 58 of chapter two of the revised statutes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section 58, of chapter two of the revised statutes is hereby amended so that the same shall read as follows, to-wit: Whenever two counties are separated from each other by a river or creek, the middle of the main channel of such river or creek shall be the division line between them, unless otherwise provided in the description of the boundaries of such counties: *provided*, that it shall be lawful to execute all writs and processes issued in any county immediately adjoining such river or creek, at any place on the waters of such river or creek, immediately adjoining and opposite the county from which it was issued.

SECTION 2. All acts or parts of acts contravening the provisions of this act are hereby repealed, and this act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1868.

CHAPTER 98.

[*Published March*, 9, 1868.]

AN ACT to amend section two of chapter 127 of the revised statutes, entitled "of arrest and bail."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section two of chapter 127 of the revised statutes is hereby amended by adding thereto a subdivision, to be known as subdivision four of said section, which shall be as follows: When the defendant has been guilty of a fraud in contracting the debt, or incurring the obligation for which the action is brought, or in concealing or disposing of the property, for the taking, detention or conversion of which the action is brought. Amended.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 4, 1868.

CHAPTER 99.

[*Published March* 10, 1868.]

AN ACT to amend chapter 154 of the general laws of 1862, being an act providing for a lien for labor and service upon logs and lumber in certain counties.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 3 of chapter 154 of the general laws of 1862, is hereby amended by inserting the words "is indebted to the plaintiff" after the word "therein" in the 13th line of said section, and by adding to said section as follows: "No other affidavit shall be necessary to authorize the issuing of a writ of attachment," so that the section will read when amended as follows: Amended.

How to enforce lien upon logs and timber.

"Section 3. Any person, company or corporation having a lien upon or against any logs or timber pursuant to the provisions of this act or of any other law, may enforce the same by attachment against said logs or timber in the circuit court of the proper county upon the conditions and in the manner prescribed by chapter 130 of the revised statutes, entitled 'of proceedings against debtors by attachment,' so far as the same can be made applicable thereto, and not therein otherwise provided. Before any attachment shall be executed, the petitioner or claimant or some one in his behalf shall make and annex thereto an affidavit stating that the defendant named therein is indebted to the plaintiff, (being the claimant or petitioner,) and specifying the amount of such indebtedness, as near as may be, over and above all legal set-offs; and such affidavit shall also show that such indebtedness is due for or accrued for such labor or services on logs or timber as entitles the plaintiff to a lien thereon, describing the logs and timber; and such affidavit shall also state that the plaintiff has filed his petition or statement for a lien. No other affidavit shall be necessary to authorize the issuing of a writ of attachment."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 4, 1868.

CHAPTER 100.

[*Published March* 10, 1868.]

AN ACT to provide for the appraisal of certain lands in Marathon county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Commissioners may appoint appraisers.

SECTION 1. The commissioners of school and university lands are hereby authorized to appoint two responsible and trust-worthy persons to act as appraisers of the lands deeded to the state of Wisconsin by Marathon county, in accordance with the provisions

of chapter 22 of the general laws of 1867, which appraisers so appointed, before entering upon their duties as such, shall each take an oath or affirmation to perform the duties devolving upon them according to law, and to make a just and impartial appraisement of the value of said lands.

Duty of appraisers.

SECTION 2. It shall be the duty of such appraisers, under such instructions and forms as shall be furnished by said commissioners, to describe the nature and quality of said lands, the amount of improvements thereon, if any, and to appraise the said lands in subdivisions of not more than forty acres, at a fair valuation as compared with other lands in the same vicinity.

Their pay.

SECTION 3. The said appraisers shall receive for their services such reasonable compensation as may be determined by the said commissioners of school and university lands, and the amount certified as due by said commissioners shall be audited by the secretary of state and paid out of the funds arising from the sale of said lands, a sufficient amount of which is hereby appropriated for this purpose.

Return of appraisal.

SECTION 4. Immediately upon the completion of the appraisal provided for in this act, the said appraisers shall return the same to the secretary of state, with the oath as provided in this act attached thereto; and the said commissioners of school and university lands shall proceed to sell the said lands at the appraised value: *provided*, that none of said lands shall be sold previous to the fifth day of March, as provided in section 4 of chapter 22 of the general laws of 1867.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved March 4, 1868.

CHAPTER 101.

[*Published March* 10, 1868.]

AN ACT to amend section twelve of chapter 132 of the revised statutes entitled "of issues, mode of trial and judgment in civil cases."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section twelve of chapter one hundred and thirty-two of the revised statutes, is hereby amended so that the same shall read as follows: "Section 12. Upon the trial of any cause, civil or criminal, in any of the circuit courts of this state, it is hereby made the duty of the judge presiding in such court to reduce his charge to the jury empanneled in such cause to writing, before giving the same to such jury, and if any such judge shall give any charge to a jury, or make any comments upon the law or facts, to the jury on the trial of any cause, without the same being reduced to writing before it is given, any judgment which shall be rendered upon the verdict of such jury shall be reversed upon appeal or writ of error to the supreme court, upon the fact appearing: *provided, further*, that such judge shall give each instruction asked by counsel on the trial of a cause to the jury, without change or modification, the same as asked, or shall refuse each in full: *provided, further*, that in case a jury, after they have once gone out, shall return to the court for further or other instructions, the judge of such court shall not further charge or instruct such jury without the same being in writing as hereinbefore required: *and provided, also*, that a charge in writing may be waived by counsel at the time of the commencement of the trial".

Judge shall reduce his charge to writing.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 4, 1868.

CHAPTER 102.

[*Published March* 10, 1868.]

AN ACT to encourage the planting and growth of trees and for the protection thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Lands exempt from taxation if planted with tree-belts.

SECTION 1. Every land owner or possessor of five acres of land or more, who shall reserve from the natural growth, or shall successfully grow by planting not to exceed one-fifth part thereof in forest trees, in the form of tree-belts, as hereinafter described, shall be entitled to have the land on which such trees grow exempted from taxation from the time the said trees commence to grow, if planted by the owner, until the trees shall reach the height of twelve feet. Whenever the trees shall have attained the height of twelve feet, he shall be entitled to receive an annual bounty of two dollars per acre for each acre so planted or grown as a tree-belt, which bounty shall be allowed him as hereinafter provided; and the certificate therefor shall be received by the collector of taxes assessed on the entire land of which the tree-belt forms a part, as so much cash.

Annual bounty.

How tree-belts to be planted.

SECTION 2. Tree-belts to be entitled to the benefit of this act, shall be reserved or planted on the west or south sides of each tract of land, and shall be not less than thirty feet wide; but no tree-belt shall exceed one-fifth part of the entire tract of land on which the same is planted: *provided*, that if the east and north sides of any tract of land, or either of them be bounded by a public highway or street, then a tree-belt one rod wide may be planted next to said highway or street, and the same shall be entitled to all the benefits of this act, although such last mentioned tree-belt shall with the other tree-belts on the west and south sides exceed the one-fifth part of the whole of said tract of land. The tree-belts may be composed of any or all of the following kinds of trees, or such species thereof as will grow to the height of fifty feet or more, viz: arbor vitæ, ash, balsam fir, basswood, beech, birch, butternut, cedar, black cherry, chestnut, coffee tree, cucum-

ber tree, elm, hackberry, hemlock, hickory, larch, locust, maple, oak, pine, spruce, tulip tree and walnut. All belts shall be of equal width throughout their entire length, and contain not less than eight trees stand- at nearly equal distances from each other, on each square rod of land.

Width of tree-belts.

SECTION 3. Tree-belts to be entitled to the benefits of this act, for each five acres of land must be at least thirty feet wide; for each ten acres of land at least sixty feet wide, and for forty square acres at least one hundred feet wide, and must be on two sides of each square tract of land; and all tree-belts owned by the same land owner must be planted to not exceed one-fourth of a mile apart, or on the west and south sides of every forty square acres of land; and the tree-belts may be divided and planted on any other lines within each forty square acres, by the permission of the assessor.

When neglected, cut down or pastured bounty to be withheld.

SECTION 4. Whenever any person, after having applied for and obtained a bounty certificate for a tree-belt, shall allow such tree-belt to die out by want of culture or otherwise, or shall cut down the same, or shall pasture the same lands with his cattle or animals, or shall so thin out the tree-belts that, in the opinion of the assessor, it shall no longer be entitled to receive the annual bounty hereby offered, or to have the land exempted from taxation, he shall lose all benefit of this act until it shall again be accepted and certified to by the assessor.

Assessors shall personally examine tree-belts.

SECTION 5. It shall be the duty of the assessor upon application of the owner each year, at the time of assessing the personal property in his district, to ascertain by personal examination of all tree-belts for which exemption from taxes or bounties is claimed, and by inquiries whether the belts have been reserved or planted, and are thriftily growing as required by this act; and if he shall be satisfied that they are not so growing, or that the owner has allowed his cattle and animals access to the tree-belts, or that he has cut down or thinned out the same so as to destroy their capacity as a wind-break, he shall assess the land for taxes, and shall refuse to grant any certificate showing that the owner is entitled to a bounty thereon.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1868.

CHAPTER 103.

[*Published March* 10, 1868.]

AN ACT to prohibit the superintendents of the county poor and the county board of supervisors to enter into contracts to sell or furnish provisions or other things for the use of the county poor except in an official capacity.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. No member of the county board of supervisors or the superintendents of county poor of any county of this state shall, except in an official capacity enter into any contract or agreement to sell, furnish or supply provisions, clothing or anything whatsoever for the use of the county poor in his respective county, nor shall any member of the said county boards of supervisors or superintendents of county poor have any pecuniary interest, direct or remote in any such contract or agreement. All contracts or agreements entered into by any member of said boards in contravention of the provisions of this section shall be void and not in any manner binding upon the said county. Certain officers not to furnish provisions for county poor.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved March 4, 1868.

CHAPTER 104.

[*Published March* 10, 1868.]

AN ACT to amend section one of chapter 109 of the general laws of 1867, entitled "an act for the preservation of brook trout."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter 109 of general laws of 1867, is hereby amended by striking out the word "November" in the fourth line of said section, and inserting therein the word "September." Amended.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1868.

CHAPTER 105.

[*Published March* 10, 1868.]

AN ACT to accept a grant of lands made to the state of Wisconsin by act of congress, to aid in the construction of the Sturgeon Bay and Lake Michigan ship canal and harbor, in the county of Door, to connect the waters of Green Bay with Lake Michigan, and to provide for the construction of the same.

The people of the state of Wisconsin, represented in senate and assembly do enact as follows:

Grant of lands accepted.

SECTION 1. That the lands, franchises, rights, powers and privileges granted to and conferred upon the state of Wisconsin, by an act of congress, approved April 10th, 1866, "granting to the state of Wisconsin a donation of public lands to aid in the construction of a break-water and harbor and ship canal at the head of Sturgeon Bay, in the county of Door, in said state, to connect the waters of Green Bay with Lake Michigan, in said state," be and the same are hereby accepted with the restrictions and upon the terms and conditions contained in said act of congress.

Upon what company conferred.

SECTION 2. For the purpose carrying out the objects of said act, the said lands are hereby granted and conferred upon the Sturgeon Bay and Lake Michigan ship canal and harbor company, a company organized in the city of Milwaukee, on the 4th day of October, 1866, under and by virtue of chapter 365 of the laws of Wisconsin of 1864, approved April 24th, 1864, subject to all the conditions, restrictions and obligations herein mentioned.

Duty of said company.

SECTION 3. It shall be the duty of said ship canal company to appoint an engineer who shall proceed to survey, lay out and establish the route of said canal, and determine the termination thereof, and also prepare a plan for the construction of said canal in conformity

with the provisions of the said act of congress, and make a diagram thereof to be approved by the governor, and when approved by him the same shall be filed in the office of the secretary of state.

SECTION 4. It shall be the duty of said company, after having made and filed such survey and plan of said canal, to proceed without unnecessary delay and construct the same in conformity therewith: *provided*, that as the work on said canal progresses, the company may notify the governor that one-fourth or one half, or three-fourths of said work has been done, respectively, when upon receiving such notification, the governor shall appoint an agent to inspect the same, and if said governor is satisfied that so much of said work has been done, in accordance with the requirements of this act and of the act of congress aforesaid, then the said governor shall certify the same to said company and deposit a copy thereof in the office of the secretary of state, and in said certificate shall determine the proportion of said lands the said company has become entitled to in consideration of said work so done and approved by said governor, and when the governor shall make and file such certificate the commissioners of school and university lands shall convey by patent to the said company said proportions of said lands respectively, as selected by said company, and said company may proceed to sell and convey the same, and when the said company shall have completed the said canal in pursuance of the act of congress and in conformity with said survey and plan, it shall be the duty of the company's engineer to certify the same to the governor, whereupon, it shall be the duty of the governor to inspect the said work in person, or to appoint one or more agents to inspect the same and determine whether the said canal is constructed as required by this act. And whenever the said governor shall determine that the said canal has been constructed by the said company as required by said act of congress, and in conformity with the plan aforesaid, he shall certify the same to said company and deposit a copy thereof in the office of the secretary of state, and which certificate, as well as any certified copy thereof, or of any other certificates mentioned in this act, under the seal of the state, shall be evidence of the facts therein set forth. And when the governor shall make and

Further duties of said company.

Governor shall appoint agent.

Shall certify to the completion of canal.

file with the secretary of state such certificate and deliver a copy of the same to the said company, the remainder of said lands shall be patented by the commissioners of school and university lands to the said company which shall stand seized and possessed of all said lands as fully as the state can convey the same, and free from any tax for the term of ten years, if so long held by the said company, and the said company shall use all due diligence in disposing of said lands at a fair and equitable price, and they shall not be held by the said company for speculation, and when sold by said company they shall be subject to taxation: *provided*, that previous to the issue of a patent therefor or for any of said lands, said company shall reimburse the state for all expenses incurred on account of the same.

SECTION 5. All expenses incurred under and by virtue of this act, and of the act of congress aforesaid, shall be paid by the company, and the state shall not in any wise be holden therefor.

SECTION 6. This act shall take effect and be in force from and after its passage.

Approved March 5, 1868.

CHAPTER 106.

[*Published March* 10, 1868.]

AN ACT to amend chapter fifty-four of the revised statutes, entitled "of auctions and auctioneers."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Section one amended.

SECTION 1. Section one of chapter fifty-four of the revised statutes, entitled "of auctions and auctioneers," is hereby amended by striking out the word "county" whenever it occurs in said section, and inserting the word "town," and by adding to the end of the section the following words: "when such goods, wares and merchandise shall have been sold by auction in the town, city or incorporated village in which such taxes were paid."

SECTION 2. Section two of said chapter fifty-four is hereby amended, by striking out the word "county" whenever it occurs in said section, and inserting the word "town." Section two amended.

SECTION. 3. Section three of said act is hereby amended by striking out the whole of said section, and inserting the following: "Section 3. The town clerks of the several towns may grant license to exercise the business of auctioneer, within their respective towns, to any inhabitant of this state who shall apply for the same: *provided*, that the person so applying for the same shall first give bond, with surety in the sum of one hundred dollars, to be approved by the judge of the circuit or county court, or the chairman of the town board of supervisors in which such license is to be issued, payable to the treasurer of the town, that the person applying for such license shall duly pay the duties imposed by this chapter, to the treasurer of the town within twenty-four hours after the close of any sale of goods, wares or merchandise by auction by such auctioneer, and the said clerk shall be entitled to receive the sum of one dollar for every such license signed by him, to be paid by the person who files his bond, as required by this chapter, with the town clerk: *provided further*, that such license shall not be construed to authorize the sale of goods at auction within the limits of any city or incorporated village." Section three amended.

SECTION 4. Section four of such act is hereby amended by striking out the whole of said section and inserting the following: "Every person licensed as aforesaid shall, within one day after every sale as aforesaid, render to the town clerk of such town, a true and particular account in writing of all moneys for which any goods, wares or merchandise, liable to duty by this chapter, have been sold by him at auction." Section four amended.

SECTION 5. Section five of such act is hereby amended by striking out the whole of such section and inserting the following: "Each town clerk who shall have received any reports on sales at auction, agreeably to the provisions of this chapter, shall, at the annual town meeting, render an account thereof to said meeting, containing the number of licenses by him granted, the amount of duties reported to him to have been paid to the town treasurer, from whom paid, with the total amount of sales made by auction in such town." Section five amended.

Approved March 5, 1868.

CHAPTER 107.

[*Published March* 11, 1868.]

AN ACT to equalize the state tax for the city of Green Bay.

WHEREAS, The state board of equalization in the year 1867, by raising the assessment on the lands of the county of Brown 95 per cent., and extending the same equalization to the city of Green Bay, which had been returned at its full cash value, did great injustice to said city:

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Valuation of real estate in Brown county reduced.

SECTION 1. The aggregate valuation of the real property is hereby reduced from the sum fixed by the state board of equalization to the sum of two million, one hundred and fifty-three thousand two hundred and forty-seven dollars and twenty cents, and in estimating the proportion of state tax for the year 1868, for the county of Brown, the secretary of state shall take the above mentioned sum as the aggregate valuation of real property in said county: *provided*, that if an equalization of all the real property of the state shall be required by law for the year 1868, this section shall have no force or effect.

Amount of state tax remitted.

SECTION 2. There is hereby remitted to the county of Brown, of the state tax of 1867, the sum of thirteen hundred and twelve dollars and fifty-four cents, which shall be passed to the credit of the said county in its settlement with the state treasurer for the state tax of that year; and the amount so remitted and credited to the said county shall be remitted and credited to the city of Green Bay by the county treasurer of Brown county in the settlement between said treasurer and the city of Green Bay for the state tax of 1867.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 5, 1868.

CHAPTER 108.

[*Published March* 12, 1868.]

AN ACT to amend chapter 155 of the general laws 1868, entitled "an act to codify the laws of this state relating to common schools."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Section eleven amended.

SECTION 1. Section 11 of said chapter 155 is hereby amended so as to read as follows: Section 11. In all cases where an alteration of the boundaries of a school district shall be made the town supervisors shall within three days thereafter give notice thereof by filing a copy of the order so altering the same with the town clerk, and with the clerk of the district or districts affected by such alteration; and no alteration of any school district made without the consent of a majority of the district board, endorsed on such order, shall take effect until three months after notice given, as above specified, unless such alteration is made in compliance with the order of the state superintendent of public instruction, given in the decison of an appeal regularly taken; nor shall any alteration of an organized district be made to take effect between the first day in December in any one year and the first day of April following.

Section forty-six amended.

SECTION 2. Section 46 of said chapter 155 is hereby amended so as to read as follows: Section 46. The director, treasurer and clerk shall constitute the district board. Meetings of the board may be called by any two members thereof by serving upon the other member a written notice of the time and place of such meeting, at least twenty-four hours before such meeting is to take place.

Section ninety-nine amended.

SECTION 3. Section 99 of said chapter 155 is hereby amended so as to read as follows: Section 99. He shall also within the time mentioned in the preceding section make and deliver to the county treasurer a written statement of the whole number of children in each town in the county over the age of four and under the age of twenty years, returned from districts which have maintained school for five or more months

during the past year, as appears from the town clerk's report.

Section one hundred and two amended.

SECTION 4. Section 102 of said chapter 155 is hereby amended so as to read as follows: Section 102. Every applicant for a certificate of the third grade shall be examined in orthoepy, orthography, reading, penmanship, intellectual and written arithmetic, English grammar, geography, history of the United States, and the theory and art of teaching, and if found qualified shall receive a certificate which shall qualify the holder to teach in any town in the county in which he is examined: *provided*, that the county superintendent may limit such certificate to any town in the county, and may also issue limited third grade certificates for a less period than one year, and for a particular district, whenever by examination he is satisfied that the applicant is qualified to teach in such district, and is not qualified to teach in every district of the town for which he is licensed: *and provided further*, that no person shall receive a certificate of any grade who does not write and speak the English language with facility and correctness.

Approved March 5, 1868.

CHAPTER 109.

[*Published March* 11, 1868.]

AN ACT to amend sections 2 of chapter 177 of the revised statutes, entitled "of indictments and proceedings before trial."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section 2 of chapter 177, of the revised statutes, entitled "of indictments and proceedings before trial," is hereby amended so as to read as follows: An indictment for crime punishable by imprisonment for life, may be found at any period. All other indictments for other crimes shall be found and filed within two years after the commission of the offense, where the offenders shall be known; but any period during

which the party charged was not actually and publicly a resident within the state, or when the party committing the offence was unknown to the sheriff or prosecuting attorney of the county where the offense was committed, shall not be reckoned as part of the two years.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 5, 1868.

CHAPTER 110.

[*Published March* 14, 1868.]

AN ACT requiring reports from unorganized banks and bankers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Every person, association of persons, and body corporate, except such bodies corporate as are expressly authorized by the state or national banking law, shall report semi-annually in writing to the bank comptroller, or to such state officer as banks organized under the general banking law of this state are now or may be required hereafter to render their reports; such report to be verified by the affidavit of such person or any member of such association or corporation, and to contain the total amount due depositors, the amount of funds on hand, the names of the person or persons interested in or carrying on said business, the the total amount of the capital stock employed in said business, and such other items, so far as practicable, as bankers under the state banking laws are required to report. Unorganized banks must report semi-annually.

SECTION 2. That the amount of capital stock so reported by such person, association of persons, or body corporate, shall be subject to assessment, and shall be taxed in the locality where such business may be transacted, and such taxes shall be payable and collectable at the same time and in the same manner as now provided by law for the collection of other taxes, and the Capital stock; subject to assessment.

amount of taxes so collected shall be construed and received as an equivalent for a license to conduct sai business.

SECTION 3. This act shall take effect from and after the thirtieth day of May next.

Approved March 6, 1868.

CHAPTER 111.

[*Published March* 11, 1868.]

AN ACT to authorize the investment of the trust funds.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

How trust funds to be invested.

SECTION 1. In addition to the other means of investment as now provided by law, the commissioners of school and university lands are authorized to invest the principal of the school, university, normal school and agricultural college funds, now in the treasury or which may hereafter be received, in the bonds of the United States, and in the bonds of the New England states, New York and Ohio.

Bonds to be deposited with state treasurer.

SECTION 2. The bonds so purchased by the commissioners shall be deposited with the state treasurer; and the secretary of state is hereby directed to include in the quarter-yearly examination and report of the condition of the treasury, an examination and report of the amount and kind of securities belonging to the trust funds on deposit in the treasury.

SECTION 3. All acts or parts of acts contravening the provisions of this act are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 6, 1868.

CHAPTER 112.

[*Published March* 12, 1868.]

AN ACT to provide for levying and collecting a state tax for the year 1868.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amount of state tax to be levied.

SECTION 1. There shall be levied and collected for the year 1868, a state tax of two hundred and fifty-nine thousand and 90-100 dollars in addition to the amount authorized to be levied by existing laws; said tax to be apportioned among and assessed upon the several counties of this state as provided by law; and such tax shall be levied upon the taxable property of the state and collected and paid into the treasury as provided by law.

When secretary of state shall apportion tax.

SECTION 2. [The] secretary of state shall apportion said tax among the several counties of the state as provided by law, on or before the second Monday in October next, and certify the same to the clerk of the board of supervisors of each county as provided by law: *provided*, that in case the appropriations made by the present legislature shall exceed in amount the estimate reported by the joint committee of the senate and assembly upon which this state tax is based, then the secretary of state shall add such amount of excess to the amount specified in the first section of this act; *and provided, further*, that in case the appropriation made by the legislature shall be less than the amount estimated by said committee, then a corresponding amount shall be deducted from the amount specified in the first section of this act.

Shall certify amount each county is in arrears

SECTION 3. The secretary of state shall also specially certify to each county the amount for which such county is in arrears to the state at the time of the apportionment of the state tax, which amount shall be levied and collected, and paid into the treasury with the tax for the year 1868.

Duty of clerks of boards.

SECTION 4. It shall be the duty of the clerks of the boards of supervisors of the several counties to levy the amount of state taxes apportioned to and charged against their respective counties, including

their indebtedness as certified to them by the serectary of state, upon all the taxable property therein as provided by law.

SECTION 5. All acts and parts of acts contravening the provisions of this act are hereby repealed and this act shall take effect and be in force from and after its passage and publication.

Approved March 6, 1868.

CHAPTER 113.

[*Published March* 11, 1868.]

AN ACT to amend chapter 182 of the revised statutes of 1858, entitled "of pardons."

The people of the state of Wisconsin, represented in senate and assembly do enact as follows:

Amended.

SECTION 1. Chapter one hundred and eighty two of the revised statutes is hereby amended by striking out in said chapter all after the words "section one" and inserting the following: "All pardons hereafter applied for on behalf of any person or persons convicted in any court in this state of any crime punishable under the laws thereof by imprisonment in the state prison of the same, and sentenced to such imprisonment, shall be made and conducted in the manner and under the restrictions hereinafter prescribed.

How application for pardon to be made.

SECTION 2. Notice of the application for such pardon shall be given to the judge who presided at the trial, and to the district attorney of the county in which the indictment was found against such person or persons so convicted and sentenced, at least three weeks before such application shall be filed with the governor; copies of which notice acknowledged by such judge and district attorney, or certified under oath of a credible witness to be true copies thereof, shall accompany every such application to the governor; and a notice of such application, setting forth the name or names of the person or persons on whose behalf it is made, the crime of which he, she or they shall have been convicted, the time of

such conviction, and the term of sentence, shall also be published at least once each week for two succsssive weeks, in some newspaper of general circulation in the county where the offence for which pardon is sought was committed, or if there be no newspaper published therein, then such notice shall be posted in a conspicuous place on the door of the court house of such coun ty for three weeks prior to such application; and such notice shall also be published once each week for two consecutive weeks in some newspaper published in a county adjoining; a copy of which notices, duly authenticated by some credible witness under oath, shall also accompany such application.

What papers to accompany application.

SEC. 3. Each application for pardon shall also be accompanied by the following papers:

1. A certified copy of the whole record, including docket entries, minutes of court, copy of indictment, pleas, and all other papers on file in court relating to the case.

2. A full statement of the reasons upon which the application is based, setting forth all the facts, such statement to be verified by affidavit, and also a letter from the district attorney, indicating his views upon the subject of the application and stating briefly any circumstances in aggravation or extenuation which he may have in his possession. All applications for the pardon of any person who shall have been convicted of the crime of murder shall in addition to the requirements hereinbefore indicated be accompanied by the recommendation of the judge who presided at the trial in which said conviction was had, or of the judge in office when the application is made in the circuit where the trial was had.

Judge to keep full minutes of testimony.

SECTION 4. It shall be the duty of any judge presiding at the trial of any person indicted for an offense, conviction of which would under the statutes of this state be followed by imprisonment in the state prison for not less than one year, to keep full minutes of all testimony given upon such trial, and at the close of the trial such minutes shall be delivered to and shall be filed by the clerk of the court in which such trial is had; and upon any application for pardon of the person convicted upon such trial, said minutes of testimony or a certified copy thereof shall accompany the application.

SECTION 5. In all cases in which the governor is

Governor may grant pardons upon convictions.

authorized to grant pardons, he may upon the petition of the person convicted grant a pardon upon such conditions and with such restrictions and under such limitations as he may think proper, and he may issue his warrant to all proper officers to carry into effect such conditional pardons, which warrant shall be obeyed and executed instead of the sentence, if any, which was originally awarded.

Officer to make return of warrant to governor.

SECTION 6. Whenever any convict is pardoned by the governor or his punishment commuted, the officer to whom the warrant for that purpose is issued, after executing the same, shall make return thereof under his hand with his doings therein to the governor as soon as may be, and he shall also file with the clerk of the court in which the offender was convicted an attested copy of the warrant and return, a brief abstract whereof the clerk shall subjoin to the record of his conviction and sentence.

Pardons dependent upon behavior of convict.

SECTION 7. No pardon shall be granted unless the warden or keeper of the prison where such applicant shall have been confined shall certify to the governor that the applicant has during his confinement conducted himself in a peaceful and obedient manner: *provided*, that this chapter shall not be so construed as to render it obligatory upon the executive to pardon any convict, although the application for such pardon shall be made in accordance with the provisions hereof.

SECTION 8. The governor may in his discretion make such additional rules and regulations governing applications for pardons as may from time to time seem to him best.

Approved March 6, 1868.

CHAPTER 114.

[*Published March* 11, 1868.]

AN ACT to relieve the county of Clark from the payment of state taxes illegally assessed upon lands not liable to taxation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

State treasurer shall settle with Clark county.

SECTION 1. That the state treasurer is hereby authorized to adjust and settle with the county treasurer of the county of Clark any and all claims which the said county of Clark has against the state for state taxes (so called) illegally assessed in the years of 1864 and 1865, upon any and all lands in said county not then liable to taxation, belonging to the "Fox and Wisconsin river improvement company:" *provided*, that the said treasurer shall not make any such settlement until the attorney general shall have certified to the state treasurer that in his opinion the lands aforesaid were not legally taxable for said years.

May credit sum found due.

SECTION 2. That in case any sum is found due to said county of Clark upon such settlement, the state treasurer is hereby authorized to credit the said county of Clark in the account with said county, with such sum, and the said county is hereby relieved from the payment of the same.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 5, 1868.

CHAPTER 115.

[*Published March* 9, 1868.]

AN ACT to provide for the payment of rewards for wolves, wildcats and lynxes killed previous to January 25, 1868.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

To what date bounty to be paid.

SECTION 1. Any person who has killed any wolf, wildcat or lynx previous to and including January 25, A. D. 1868, shall be entitled to receive therefor the same reward as though chapter 364 of the laws of (*A. D.*) 1865, and all acts amendatory thereof had not been repealed, and chapter 364 of the laws of 1865, entitled "an act for the encouragement and protection of the wool growing interests in this state," and all acts amendatory thereof, which were in force and effect on January 24th, A. D. 1868, are hereby revived and declared to be in full force and effect, so far as to apply to any wolf, wildcat or lynx killed previous to and including January 25, A. D. 1868.

How act construed.

SECTION 2. This act shall not be construed to authorize the payment of any bounty for any wolf, wildcat or lynx, killed on or prior to January 25, 1868, unless proof of the killing of such wolf, wildcat or lynx has been made within the time and in the manner provided by said chapter 364 of the general laws of 1865, and the acts amendatory thereof.

Appropriation.

SECTION 3. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, a sum of money sufficient to carry into effect the provisions of section one of this act.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1868.

CHAPTER 116.

[*Published March* 11, 1868.]

AN ACT to facilitate the collection of delinquent taxes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Unlawful to cut or remove timber from lands sold for taxes.

SECTION 1. Whenever any land shall have been or shall hereafter be sold for the non-payment of taxes thereon, and shall have been or shall be bid in by the county as provided by law, and the taxes for which the same was or shall be sold remain due and unpaid, and the county remains the owner and holder of the certificate or certificates of such sale, it shall be unlawful for any person or persons whomsoever to cut or remove any logs or timber from such land, and if any person or persons shall cut or remove any logs or timber from such land as aforesaid, it is hereby made the duty of the county treasurer of the county in which such land is situated to issue a warrant under his hand and seal to the sheriff of his county, stating the description or descriptions of such land and the amount of taxes thereon for one or more years, and commanding such sheriff forthwith to seize such timber or logs if to be found within his county, and sell the same or sufficient amount thereof to satisfy said taxes.

Sheriff may seize timber to pay delinquent taxes.

SECTION 2. Any sheriff who shall receive the warrant of any county treasurer as specified in the foregoing section of this act shall execute the same as therein directed to satisfy said taxes together with his charges and expenses thereon, the same as in cases of levy and sale upon execution, and shall make return of said warrant, with his doings thereon, to the said county treasurer.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1868.

CHAPTER 117.

[*Published March* 14, 1868]

AN ACT to prohibit the trustees and superintendents of the benevolent institutions of the state from becoming parties to contracts for furnishing supplies to such institutions.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Trustees and superintend'nts not to be contractors.

SECTION 1. It shall not be lawful for any trustee, regent, commissioner or other officer, agent or employee of any of the benevolent or educational institutions of this state or for any officer, agent or employee of the state prison, or reform school to be a party to, or to be in any way or manner interested, either directly or indirectly, in any contract or agreement, express or implied, verbal or written, for furnishing supplies or materials of any description to or for the institution with which such person shall be connected; and any person or officer above named who shall violate the provisions of this act or who shall at any time hereafter furnish any supplies or materials or be himself interested in furnishing any such supplies or materials to or for the institution for which he may be an officer, agent or employee, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than five hundred dollars, nor more than two thousand dollars for each offense.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1868.

CHAPTER 118.

[*Published March* 16, 1868.]

AN ACT to amend chapter 194 of the general laws of 1864, entitled "an act concerning the terms of court in the third judicial circuit."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter 194 of the general laws of 1864, is hereby amended so as to read as follows: Section 1. The terms of the circuit court for the third judicial circuit shall hereafter be held as follows: In the county of Marquette on the Tuesday next succeeding the first Monday in September, and on the Tuesday next succeeding the first Monday in February, in each year. In the county of Green Lake on the second Monday in September and the second Monday in February, in each year. In the county of Dodge, on the fourth Monday in September and fourth Monday of February in each year. In the county of Washington, on the third Monday in October and the third Monday in March of each year. In the county of Ozaukee, on the first Monday of November and first Monday in April in each year. Amended.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1868.

CHAPTER 119.

[*Published March* 16, 1868.]

AN ACT to provide for the payment of the postage of state officers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The governor, the secretary of state, state treasurer, attorney general, bank comptroller, superintendent of public instruction, superintendent of May procure postage stamps and envelopes for official correspondence.

public property, clerk of the supreme court and corresponding secretary of the state historical society, are hereby authorized to procure for the use of their respective offices the necessary amount of postage stamps or stamped envelopes for the payment of the postage of the official correspondence of their several departments. The accounts for the above shall be audited by the secretary of state upon the presentation of proper vouchers verified by affidavit.

SECTION 2. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, a sum sufficient for the payment of the above amounts.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1868.

CHAPTER 120.

[*Published March* 14, 1868.]

AN ACT to amend chapter 126, of the general laws of 1867, entitled "an act to authorize the establishment of a board of immigration."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section 5 of chapter 126 of the general laws of 1867, entitled "an act to authorize the establishment of a board of immigration," is hereby amended so as to read as follows: "Section 5. This board shall have authority to provide for the collection of statistics and useful information concerning the climate, products, population and resources of this state, together with a statement of the best routes to this state from the large cities of Europe, and for printing the same in pamphlet form in the English, Welsh, German, French and Scandinavian languages, in such numbers as may to the board seem proper.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 5, 1868.

CHAPTER 121.

[*Published March* 13, 1868.]

AN ACT relative to the compensation of county judges.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Salary of county judge may be fixed by county board.

SECTION 1. The several county boards of supervisors in this state are hereby authorized and empowered, and it is hereby made the duty of said several boards of supervisors, to fix by resolution the salary or compensation of the county judge in their respective counties, which said salary, when so fixed, shall be paid quarterly out of the county treasury.

SECTION 2. The several county judges in this state are hereby prohibited from taking or receiving either directly or indirectly, any fees whatever for their official services in the administration of the estates of deceased persons.

SECTION 3. The provisions of this act shall not apply to counties or county judges wherein the county judge or county court has civil jurisdiction.

Executors must pay certain amounts to county treasurers.

SECTION 4. It shall be the duty of each executor, administrator or guardian, to pay or cause to be paid, to the county treasurer for the use and benefit of the county in which the estate of the deceased, or minor, is situate, the following sum according to the value of the estate and property as shown by the inventory and appraisal, that is to say: twenty dollars when the value of the estate shall exceed one thousand dollars, and shall not exceed the value of two thousand dollars; thirty dollars when the estate shall exceed the value of two thousand dollars, and shall not exceed the value of five thousand dollars; forty dollars when the value of the estate shall exceed five thousand dollars, and shall not exceed the value of eight thousand dollars; fifty dollars when the value of the estate shall exceed eight thousand dollars, and shall not exceed the value of ten thousand dollars; and seventy-five dollars in all cases when the value of the property shall exceed ten thousand dollars; said sum of money to be paid to the county treasurer of the proper county upon the return

and approval of the inventory and appraisement to the county court; and the county court is hereby prohibited from allowing the account of any such executor, administrator or guardian until satisfactory proof shall be produced to said county court of the payment of the sum of money required by the provisions of this section.

SECTION 5. This act shall take effect and be in force from and after the first day of December, A. D. 1868.

SECTION 6. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 7. This act shall be published immediately after its passage.

Approved March 5, 1868.

CHAPTER 122.

[*Published March* 13, 1868.]

AN ACT to provide for highways in recorded village plats.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Streets in village plats may be declared highways.

SECTION 1. The supervisors of any town within the limits of which may be situated any unincorporated village with a plat of streets and alleys recorded according to law, shall have power at any regular meeting to declare any street or alley in such recorded village plat to be a public highway.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 5, 1868.

CHAPTER 123.

[*Published March* 13, 1868.]

AN ACT to authorize the registers of deeds to transmit a copy of of all records of marriages on file in their office to the secretary of state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The register of deeds of each county in this state is hereby authorized to transmit a copy of all records of marriages on file in his office to the secretary of state, in accordance with the provisions of chapter 110 of the revised statutes, entitled "of the registration of marriages, births and deaths:" *provided*, a copy of such marriage has not been so transmitted; and the said register shall receive the sum of 10 cents for every such copy transmitted; which amount shall be paid him on demand by the treasurer of the county in which such registry is made. Registers may transmit records of marriages to secretary of state.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 5, 1868.

CHAPTER 124.

[*Published March* 13, 1868.]

AN ACT to amend chapter 263 of the general laws of 1860, entitled "an act to provide for the government of the Wisconsin state hospital for the insane, and for other purposes."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follow:

SECTION 1. Section 9 of chapter 263 of the general laws of 1860, "an act to provide for the government of the Wisconsin state hospital for the insane, and for other purposes," is hereby amended by adding the following to said section: "Whenever it shall ap- Amended.

pear from the affidavits of the chairman of the county board of supervisors and the sheriff of the county, together with the certificate of the county judge, that the residence of the person adjudged insane according to law, is unknown and after due diligence cannot be ascertained, the superintendent shall receive such unknown insane person as a patient from the state at large, and shall not charge said patient against the ratio of patients to which said county is entitled. Hereafter each county shall be entitled to furnish at least two patients if it shall seek so to do."

SECTION 2. This act shall take effect force from and after its passage.

Approved March 5, 1868.

CHAPTER 125.

[*Published March* 14, 1868.]

AN ACT to amend section 11 of chapter 58 of the revised statutes, entitled "of weights and measures."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section eleven (11) of chapter fifty-eight (58) of the revised statutes, entitled "of weights and measures," is hereby amended so as to read as follows, to-wit: Whenever wheat, rye, Indian corn, oats, barley, clover seed, buckwheat, dried apples, dried peaches, flax seed, timothy seed or potatoes, shall be sold by the bushel, and no special agreement as to the measure or weight thereof, shall be made by the parties, the measure thereof shall be ascertained by weight, and shall be computed as follows: sixty pounds for a bushel of wheat or clover seed, fifty-six (56) pounds for a bushel of rye or Indian corn, thirty-two (32) pounds for a bushel of oats, forty-eight (48) pounds for a bushel of barley, fifty pounds for a bushel of buckwheat, twenty-eight (28) pounds for a bushel of dried apples or dried peaches, fifty-six (56) pounds for a bushel of flax seed, forty-six (46) pounds for a bushel

Legal weight of grains and fruits.

of timothy seed, and sixty (60) pounds for a bushel of potatoes.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1868.

CHAPTER 126.

[*Published March* 14, 1868.]

AN ACT to regulate and fix the time for holding the fall term of the circuit court in the county of Dane.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The term of the circuit court appointed by law to be held in and for the county of Dane, on the first Tuesday in October in each year, shall hereafter be held on the Wednesday succeeding the first Monday of November, of each year. Time fixed

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1868.

CHAPTER 127.

[*Published March* 13, 1868.]

AN ACT to authorize the governor to pay for the expenses of boarding and supporting Wisconsin soldiers in the "St. Mary's hospital of Milwaukee charitable eye and ear infirmary," who are afflicted with disease of the eye and ear contracted while in the service of the United States.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Governor may pay board of soldiers at infirmary.

SECTION 1. The governor of this state is hereby authorized to furnish board and support for such indigent Wisconsin soldiers as are afflicted with diseases of the eye and ear, contracted while in the military service of the United States, at the "eye and ear infirmary department of St. Mary's hospital, Milwaukee," as he may deem proper subjects for treatment at said infirmary: *provided*, that no sum shall be paid to surgeons or physicians for the care and attendance of such persons.

May make contract for board.

SECTION 2. The governor is hereby authorized to contract with the trustees of such institution for the board and support of the persons mentioned in the first section of this act, and shall be at liberty at any time to put an end to such contract, both as to individual cases, and, generally, when he shall deem it proper to do so for the interest of the state.

Appropriation.

SECTION 3. There is hereby appropriated out of the general fund for such purpose the sum of five hundred dollars, to be used at the discretion of the governor for the purpose aforesaid, to be drawn upon his order.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 6, 1868.

CHAPTER 128.

[*Published March* 14, 1868.]

AN ACT to provide compensation for opening the present session, and for indexing and completing the transcribing of the journals of the senate and assembly.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation to L. B. Hills.

SECTION 1. There is hereby appropriated to L. B. Hills, chief clerk of the senate, for services prior to and at the organization of the senate at the present session, the sum of fifty dollars; for indexing the senate journal of the present session, the sum of one hundred and fifty dollars; and for completing the transcribing of the senate journal, the sum of two hundred dollars.

To E. W. Young.

SECTION 2. There is hereby appropriated to E. W. Young, chief clerk of the assembly, for services prior to and at the organization of the assembly of the present session, the sum of fifty dollars; for indexing the assembly journal the sum of one hundred and fifty dollars; and for completing the transcribing of the assembly journal, the sum of two hundred and fifty dollars.

Secretary of state to certify.

SECTION 3. No money hereby appropriated shall be drawn from the treasury until [the] secretary of state shall certify that the duties herein provided for shall have been respectively performed.

SECTION 4. This act shall take effect from and after its passage.

Approved March 6, 1868.

CHAPTER 129.

[*Published March* 12, 1868.]

AN ACT to amend chapter 167 of the general laws of 1864, entitled "an act to establish lumber districts in this state and to regulate the traffic in logs, timber and lumber in said districts."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Section one amended.

SECTION 1. Section one of chapter 167 of the general laws of 1864, relating to the establishment of lumber districts, is hereby amended so as to read as follows, to-wit: "For the purpose of inspecting and regulating the survey and measurement of logs, timber and lumber in this state, the Wisconsin river and its tributaries are hereby constituted and created a lumber district, to be known and called lumber district No. 1; the Black river and its tributaries, to be known and called lumber district No. 2; the Chippewa and its tributaries, as far up as the northern boundary line of Eau Claire county, excepting the Eau Claire river and its tributaries, to be known and called lumber district No. 3; the St. Croix river and its tributaries, to be known and called lumber district No. 4; Green Bay and such of its tributaries as are within this state, save and except Lake Winnebago and its tributaries, to be known and called lumber district No. 5; and so much of the Chippewa river as lies above the northern boundary line of the county of Eau Claire, together with the tributaries emptying into said portion of the Chippewa river, to be known and called lumber district No. 6; and the Eau Claire river and its tributaries, to be known and called lumber district No. 7."

Section three amended.

SECTION 2. Section three of chapter one hundred and sixty seven of the general laws of 1864, relating to the location of offices, is hereby amended so as to read as follows, to-wit: "The inspector of lumber district number one shall keep his office at Centralia or Grand Rapids, in the county of Wood, or Stevens' Point, in Portage county, or Wausau, in Marathon county; of district number two, at the city of La Crosse, in the county of La crosse; of district number three, at West Eau Claire, in the county of Eau Claire; of district

number four, at the city of Hudson, in the county of St. Croix; of district number five, at the city of Green Bay, in the county of Brown; of district number six, at Chippewa Falls, in the county of Chippewa, and of district number seven, at Eau Claire, in the county of Eau Claire.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 6, 1868.

CHAPTER 130.

[*Published March* 11, 1868.]

AN ACT to provide for the assessment of property for taxation, and the levy of taxes thereon.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Taxes shall be levied upon all property in this state except such as is exempted therefrom.

EXEMPTIONS.

SECTION 2. The property in this section described is exempt from taxation, to wit:

1st. That owned exclusively by the United States or by this state. U. S. property.

2d. That owned exclusively by any county, village, town or school district in this state. County and town property, etc.

3d. Personal property owned by any religious, scientific, literary or benevolent association, used exclusively for the purposes of such association, and the real property necessary for the location and convenience of the buildings of such association and embracing the same, not exceeding ten acres, if not leased or otherwise used for pecuniary profit. The occasional leasing of such building for schools, public lectures or concerts shall not render it liable to taxation. Property of religious, benevolent associations, etc.

4th. Personal property owned and used exclusively by any state or county agricultural society, and the lands owned and used by any such society exclusively for fair grounds. Agricultural societies.

Fire companies. 5th. Fire engines and other implements used for extinguishing fires, owned or used by any organized fire company, and the buildings and necessary ground connected therewith owned by such company and used exclusively for its proper purposes.

Indians. 6th. The property of Indians who are not citizens, except lands held by them by purchase.

Cemeteries, etc. 7th. Lands used exclusively as public burial grounds, and tombs and monuments to the dead therein.

Pensions. 8th. Pensions receivable from the United States.

Corporations. 9th. Stock in any corporation in this state which is required to pay taxes upon its property in the same manner as individuals.

Debts and credits. 10th. So much of the debts due or to become due to any person as shall equal the amount of *bona fide* and unconditional debts by him owing.

Furniture, etc. 11th. Wearing apparel, family portraits and libraries, kitchen furniture and growing crops.

Provisions and fuel. 12th. Provisions and fuel provided by the head of a family to sustain its members for six months; but no person paying board shall be deemed a member of a family.

Railroad property. 13th. The track, right of way, depot grounds and buildings, machine shops, rolling stock, and all other property necessarily used in operating any railroad in this state, belonging to any railroad company, are hereby all and singular declared to be, and they shall henceforth remain exempt from taxation, for any purpose whatever, and it shall not be lawful to assess or impose taxes upon any property before named: *provided, however*, that all the property in this subdivision mentioned shall be subject to special assessments for local improvements within cities and incorporated villages; *and provided, also*, that all lands owned or claimed by such railroad companies not adjoining the track of such company shall be subject to all taxes to the same extent as though this act had not passed. The provisions of this subdivision shall not apply to any railroad operated or to be operated by horse power, now or hereafter constructed or to be constructed or operated in any of the cities of this state.

Insurance companies. 14th. The property of all insurance companies now organized or which may be hereafter organized in this state.

STATE ASSESSMENT.

State board of assessment.

SECTION 4. The members of the state senate in con junction with the secretary of the state shall form a state board of assessors. Said board shall meet at the capitol, in the city of Madison, on the third Wednesday in April, 1868, and biennially thereafter. The secretary of state shall prepare and lay before said board the latest statistics of population, local valuation of property, and such other statistical information as he may be able to obtain in relation to the several counties in the state, as in his judgment will assist said board in their deliberations. The board shall carefully examine said statistics, and from all the sources of information accessible to them, they shall determine and assess the relative value of all the property subject to taxation in each county of the state. They shall set down in a list of all the counties aforesaid, opposite to the name of each county, the valuation thereof, so determined by them, which shall be the full value according to their best judgment. The list so prepared, shall be certified to by the chairman and secretary as the state assessment made by said board and delivered with the journal of the proceedings of the board to the secretary of state.

Compensation.

SECTION 5. The members of said board shall each receive five dollars per day during their sessions, and the mileage allowed by law to members of the legislature, to be paid out of the treasury on the warrant of the secretary of state.

Secretary of state to apportion tax.

SECTION 6. The secretary of state shall apportion the state tax levied for the year among the several counties, and shall carry out opposite to the name of each county on the list aforesaid the amount of state tax apportioned thereto, according and in proportion to the relative valuation of each county to the aggregate valuation of the whole state, and shall thereupon, on or before the fifteenth day of May in each year, certify to the clerk of the board of supervisors of each county the amount of state tax so apportioned to and levied upon his county.

COUNTY ASSESSMENTS.

County board of assessment.

SECTION 7. The clerk of the board of supervisors of each county shall annually, before the fourth Monday in May, prepare a statement of the latest statistics

of population and such other accessible statistical information as may be in his possession. The board of supervisors of each county shall meet annually on the fourth Monday in May. They shall carefully examine the statement made by the clerk as aforesaid, and therefrom, and from all available sources of information, they shall determine and assess the relative value of all the property subject to taxation in each town and city in their county. They shall set down in a list of the towns and cities aforesaid, opposite to the name of each, the valuation thereof so determined by them, which shall be the full value according to their best judgment. The list so prepared shall be certified to by the chairman and clerk of said board as the county assessment made by said board, and filed in the office of said clerk. The clerk shall also keep a full record of the proceedings of said meeting.

Apportion valuation of towns.

Publication of assessment.

SECTION 8. Immediately after the said session the clerk of the board of supervisors shall cause the county assessment list made as aforesaid, to be published at least two weeks, in some newspaper published in his county, if there be any published therein, and he shall deliver or mail a written or printed copy of said list to the clerk of each town and city in said county, within ten days after said session.

Meeting for review.

SECTION 9. The county board of supervisors shall meet again on the third Monday in June in each year. At such meeting they shall hear and determine upon any complaint presented by or for the authorities of any town or city in their county, who shall consider their town or city unjustly assessed in said list, and correct the same as justice may require. The clerk of said board shall keep a record of all their proceedings at such meeting, and if any corrections are made in said list, he shall prepare a corrected county assessment list accordingly, which shall be certified to by the chairman and said clerk, and filed and recorded in a book kept for that purpose in his office.

Clerk to keep record.

County and school tax.

SECTION 10. The board of supervisors shall also at said meeting determine by resolution, the amount of tax to be levied in their county for county purposes for the year, and also the amount to be raised by tax in each town for the support of common schools therein for the ensuing year, which shall not in any town be less than

the amount apportioned to such town in the last apportionment of the income of the school fund.

SECTION 11. The clerk of said board shall apportion the county tax and the amount of state tax levied upon his county as aforesaid, among the several towns and cities therein, and shall carry out opposite to the name of each, in the book aforesaid, in columns prepared for that purpose, the amount of state tax and the amount of county tax apportioned thereto, according and in proportion to the relative valuation thereof to the aggregate valuation of the whole county, and also the amount to be raised as aforesaid for the support of common schools therein, and within ten days after the meeting of the board, last aforesaid, he shall certify to the clerk of each town and city in his county, the amount of state tax and county tax and school tax so apportioned to and levied upon said town or city. Clerk of board to apportion tax.

ASSESSMENT ROLL.

SECTION 12. Each clerk of the board of supervisors shall annually procure at the expense of the county, and furnish to each assessor in his county, in due season for use, a blank book, which shall be denominated an "assessment roll," printed and ruled in convenient form for assessing, valuing and equalizing all property required to be entered on said roll by such assessors for that year. The clerk shall also procure and furnish as aforesaid, all other books, blanks and documents necessary to be used by assessors in the discharge of their duties. Clerk of board of supervisors to furnish blank assessment rolls.

SECTION 13. There shall be elected for the year 1868, in each town and in each ward of any city or incorporated village, where such ward constitutes an assessment district, at the annual town or city election, three assessors, one of whom shall serve as assessor for one year, one for two years, and one for three years, and the term for which each shall serve shall be designated on the ballots to be used at such election; and annually thereafter there shall be elected one assessor to serve for the term of three years, except in cities where a different number of assessors and a different manner of electing or appointing the same is or may be provided by the charter of such city or the laws amendatory thereof: *provided, however*, that any town desiring a less number Election of assessors. Number of assessors provided for.

of assessors may so determine the number they desire on the morning of the day of election at the time of opening the polls, by submitting the question to the qualified electors then present. Where there is more than one assessor in any town, incorporated village or city, they shall, in the discharge of their official duties, act together as an assessment board; and when there is more than one assessor, the concurrence of at least two members of such board shall be necessary to determine any matter upon which such board is required to act.

Time of commencing assessment.

SECTION 14. The board of assessors for each town and city shall on the first day of May of each year, or as soon thereafter as practicable, proceed to make an assessment of all the real and personal property liable to taxation in their town or ward.

ASSESSMENT OF REAL PROPERTY.

Real property.

SECTION 15. All real property not expressly exempt from taxation, shall be entered in the name of the owner, if known, upon the assessment roll of the town or ward where it lies, and the board of assessors shall enter upon the assessment roll, to be provided, opposite to the name of the owner or occupant, if they can ascertain the same, in regular order as to lots and blocks, sections and parts of sections, from the best information they can obtain, a correct and pertinent description of each parcel of real property in their town not exempt from taxation, and the number of acres in each tract containing more than one acre. When two or more lots or tracts owned by the same person are so improved or occupied with buildings as to be practically incapable of separate valuation, they may be entered as one parcel.

Order of number as to lots and blocks and sections.

Valuation from actual view.

SECTION 16. Real property shall be valued by the assessor from actual view at the full value which could ordinarily be obtained therefor at private sale, and which the assessor shall believe the owner, if he desires to sell, would accept in full payment. In determining the value the assessors shall consider as to each piece, its advantage or disadvantage of location, quality of soil, quantity and quality of standing timber, water privileges, mines, minerals, quarries, or other valuable deposits known to be available therein, and all buildings, fixed machinery and improvements of every description thereon, and their value. Real property held

Basis of valuation.

under lease from any religious, scientific, literary or benevolent association, but otherwise exempt, shall be assessed to the lessee. The assessor having fixed the value shall enter the same opposite the proper tract in the assessment roll. Property omitted from assessment the previous year by mistake, shall be entered twice, designating one entry as omitted for the year 18——. Exempted property under lease assessed to lessee. Omitted for previous year.

ASSESSMENT OF PERSONAL PROPERTY.

SECTION 17. The board of assessors shall place upon the assessment roll, opposite the name of each person liable to assessment on personal property, the aggregate valuation of all personal property owned by himself or his wife, or which he has in charge or possession as lessee, occupant, agent, parent, guardian, executor, administrator, trustee, assignee or receiver, which is liable to taxation; such aggregate valuation to be fixed according to the best judgment and belief of said board. To determine the amount of personal property owned by any person liable to taxation, said board of assessors, or any one of them, may examine such person under oath as to all items of personal property owned or possessed by him or her, and the true value thereof. And should any person refuse to testify under oath before said board of assessors as to the items and value of his or her property, or should the assessors desire further evidence, they may call upon other persons as witnesses to give evidence under oath as to the items and value of the personal property of such person. Any person making a false statement under oath before said assessors shall be deemed guilty of perjury. Personal property. Value to be fixed by assessors. May examine under oath. May call witnesses. Penalty for false statement.

SECTION 18. All articles of personal property shall, as far as practicable, be valued by the assessors upon actual view, and after arriving at the total valuation of all articles of personal property which they shall be able to discover as belonging to any person, if they have reason to believe that such person has other personal property consisting of money, credits, debts due or to become due, or any other thing of value liable to taxation, they shall add to such aggregate valuation of personal property an amount which in their judgment will render such aggregate valuation a just and equitable Valuation from actual view. Additional valuation.

valuation of all the personal property liable to taxation belonging to such person.

"Personal property" defined.

SECTION 19. The term "personal property," as used in this act shall be construed to mean, and include toll-bridges, saw-logs, timber and lumber, either upon land or afloat, steamboats, ships and other vessels, whether at home or abroad; buildings upon leased lands, if such buildings have not been included in the assessment of the land on which they are erected; ferry-boats, including the franchise for running the same; all debts due from solvent debtors, whether on account, note or contract, bond, mortgage, or other security, or whether such debts are due or to become due, over and above the amount exempted by this act from taxation; and all goods, wares, merchandise, chattels, moneys and effects of any nature or description, having any real or marketable value, not expressly exempted from taxation by the provisions of this act, and not included in the assessment of any real property as a part thereof.

Place of assessment.

SECTION 20. Merchants' goods, wares, commodities kept for sale, manufacturers' stock, tools and machinery, live stock, farm implements, tools and machinery and farm products shall be assessed in the town or ward where the same may be located, and all other articles of personal property shall be assessed in the town or ward where the owner resides, excepting that saw-logs, timber and lumber and any article of personal property in transit, shall be assessed in the town or ward where the owner resides; but if such owner be a non-resident of this state then such property may be assessed wherever such owner's agent or place of business may be located. And all personal property shall be assessed as of the first day of May in each year the assessment is made, and no sale or change of location of such property after that date shall affect such assessment.

Saw logs, lumber, etc., where assessed.

Time of assessment.

ASSESSMENT OF BANK STOCK.

Bank stock, statement to be made.

SECTION 21. Upon the demand of the assessors, the president, cashier or other officer in charge of any incorporated bank shall make out and deliver to such assessors annually before the first day of June, a statement showing the name and residence of each stockholder therein on the 1st day of May preceding, and

the amount of stock held by him on that day; the highest and the lowest price at which any *bona fide* sales of said stock are known to have been made during the preceding year, and the full true value of said stock on said first day of May. Valuation of stock.

SECTION 22. The person making such statement shall, before delivering the same to the assessors, take and subscribe an oath, to be administered and certified by the assessors, and annexed to such statement substantially in the following form, to wit: Oath of officers of banks.

STATE OF WISCONSIN, ——— County—ss.

I, ———, do solemnly swear that I am ——— of [here name the bank to which the statement is made,] that the annexed is a true statement of the names of all the stockholders in said bank on the 1st day of May, A. D., 18—, and of the amount of stock then held by each of them, and of the highest and the lowest *bona fide* sale of any of said stock during the preceding year known to me, and that the value of said stock set down in said statement is the full true value thereof, such as I verily believe any stockholder desiring to sell would be willing to accept in full payment.

Subscribed and sworn to before me, this ——— day of ———, A. D., 18—.

———, Assessor.

SECTION 23. If, in the opinion of the assessors, the value of the stock shall be entered in such statement too low, he shall designate at the foot of said statement the true valuation thereof, according to his best judgment. If any such officer shall refuse to make out and deliver such statement when so required, he shall be personally liable to the town or city for the whole amount of taxes which should be paid upon such stock, and it shall be the duty of the treasurer to sue him for the same in the name of said town or city. Value may be raised. Officers personally liable for tax.

TOWN BOARD OF REVIEW.

SECTION 24. The chairman of the board of supervisors, clerk and assessors of each town, the mayor, clerk and assessors of each city, and the president, clerk and assessors of each incorporated village, shall constitute a board of review for such town, city or village. The Town board—how constituted.

When to meet. board of review shall meet annually, on the last Monday in June, at their town, village or city clerk's office. A majority shall constitute a quorum. Notice of the time and place of such meeting shall be posted up by such clerks in at least three public places in each town, village, city or ward thereof, and at least four days prior to such meeting. The town, city or village clerk on said board of review shall be clerk thereof, and shall keep an accurate record of all its proceedings. The board may adjourn from day to day until its business is completed, and shall receive the same compensation as is allowed by law to assessors.

Notice to be posted.

Who shall be clerk.

May adjourn.

Assessment roll to be laid before the board and examined.

SECTION 25. The assessors shall lay before the board of review their assessment roll of the real property, and all the sworn statements made by others, (and statements) and valuations made by them of personal property and bank stock. The board shall, under their official oaths, carefully review and examine said roll and statements, and all valuations of real or personal property and bank stock, and shall correct any errors apparent in description of property or otherwise, and for that purpose they are hereby required to hear and examine any person or persons upon oath, who shall appear before them, in relation to the assessment of any property upon said roll, or in relation to any property omitted therein; and such examination shall be reduced to writing by the clerk, and carefully preserved on file in his office; and if it appear that any property has been valued by the assessor too high or too low, they shall increase or lessen the same to the true valuation according to the rules for valuing property prescribed in this act. They shall determine the correct value of any bank stock which has been valued by any officer of any bank at one price, and by the assessor at at a different price. Any person who thinks the aggregate valuation of his personal property, as fixed by the board of assessors, too high, may appear before the board of review at their annual meeting, and, under oath, state the true aggregate valuation of all personal property upon which he is liable to taxation, according to the provisions of this act, and if the board of review shall be satisfied of the truth of such statements, the valuation so fixed by him shall be taken by the board of review as the true aggregate valuation of his personal property, and all such statements shall be reduced to

May examine parties under oath.

May correct valuation of bank stock.

Aggrieved persons may appear.

writing by the clerk and carefully preserved in his office. The clerk shall keep a careful record of all changes made and valuations determined upon by the board of review. Clerk to keep record of changes.

CORRECTION AND RETURN OF ROLL.

SECTION 26. The assessors shall make all corrections to the assessment roll ordered by the board of review, and when any valuation of real property shall be changed, he shall enter on the roll opposite the proper tract in a separate column the valuation as fixed by the board. He shall also enter upon the assessment roll in alphabetical order and tabular form, the names of all persons found liable to taxation on personal property or bank stock, setting opposite each name the aggregate valution of such property of the persons so named, so liable, after deducting exemptions and making such corrections as the board may have ordered. Roll—how corrected. Roll, alphabetically arranged.

SECTION 27. The assessor shall take and subscribe an oath annexed to said assessment roll, which shall be certified by the officer administering the same, and shall be substantially in the following form: Oath of assessors.

STATE OF WISCONSIN, ——— County—ss.

We ——— and ———, assessors for the town of ———, in said county, do solemnly swear that the annexed assessment roll contains, as we verily believe, a complete and perfect entry and list of all real property liable to assessment for the present year in said town or ward.

The name of each person therein owning or having in charge personal property liable to taxation.

The name of each stockholder and the amount of his stock in each incorporate bank in said town or ward.

A correct description of the separated parcels of real property assessed together last year, and now required to be assessed separately, with a proper division of the former consolidated valuation thereof.

That we have valued each parcel of real property from an actual view of such parcel.

That we have, as far as practicable, personally viewed and inspected each article of personal property assessed by us.

That the valuation of real property as set down in said roll, is as determined by us, or as corrected by the board of review.

That the valuation of personal property and bank stock in said roll, is as fixed by us, or as finally fixed by the board of review.

That each valuation of property made by us is the full value which could ordinarily be obtained for the same at private sale, and which we believe the owner, if he desired to sell, would accept in full payment thereof.

Read to the affiant, and subscribed and sworn to before me, this —— day of ———, A. D. 18—.

When to deliver roll to clerk.

SECTION 28. The assessors shall, on or before the first Monday in August, annually, deliver their assessment roll as completed, and all the sworn statements and valuations of personal property, to the clerk of their town, city or village, which latter shall be filed and preserved by said clerk.

Clerk to examine and correct roll.

SECTION 29. Upon receiving such assessment roll, the said clerk shall carefully examine it. He shall correct all double assessments, imperfect descriptions and other errors apparent upon the face of the roll, and strike off all parcels of real property not liable to taxation. He shall add to the roll any parcel of real property omitted by the assessors, and immediately notify them thereof, and such assessors shall forthwith view and value the same and certify such valuation to said clerk, who shall enter it upon the roll. To enable said clerk to properly correct defective descriptions, he may call to his aid when necessary the county surveyor, whose fees therefor shall be paid by the town.

To notify assessors of correction.

May call on county surveyor for aid.

THE TAX ROLL.

Tax roll—order of arrangement

SECTION 30. From the assessment roll so corrected, the town clerk shall make out in a book, called a tax roll, prepared for that purpose, a complete list of all the real property in his town, subject to taxation, arranged in regular order as to lots and blocks, and sections and parts of sections, by the proper descriptions as corrected, opposite to the name of the owner, if known, or of the occupant, if any, and opposite to each description enter the valuation thereof ascertained as afore-

said, and also a complete alphabetical list of all persons in his town having any personal property subject to taxation, and enter opposite to the name of each person the valuation of the personal property for the tax upon which such person is liable, ascertained as aforesaid.

To carry out state, county, school, town and local taxes in one item.

SECTION 31. Upon receiving the certificate of the clerk of the board of supervisors of the amount of state, county and school taxes to be collected in his town, said town clerk shall upon a uniform percentage, calculate and carry out in one item, opposite to each valuation, in said tax roll, the amount required to be raised upon such valuation, to realize in his town the whole amount of state, county and school taxes so certified, together with such town and other local taxes as are levied uniformly upon all the taxable property in the town, and all other taxes, if any, in separate colums opposite the valuation of the property to be charged. He shall enter upon said roll a statement showing the several amounts of tax levied upon said town and for what purpose.

Statement of all taxes levied.

Treasurer to execute bond.

SECTION 32. The treasurer of the town shall execute and deliver to the county treasurer of his county, a bond, with sureties to be approved by the chairman of the board of supervisors of the town, in the penal sum of double the amount of state and county taxes apportioned in his town, conditioned for the faithful performance of the duties of his office, and that he will account for and pay over according to law, all state and county taxes which shall come into his hands. The county treasurer shall give to said town treasurer a receipt for said bond, and file and safely keep said bond in his office.

County treasurer to give receipt for bond.

Form of warrant to town treasurer.

SECTION 33. The town treasurer shall deliver said receipt to the clerk of his town, on or before the first day of December, and thereupon the clerk shall attach to said tax roll a warrant, substantially in the following form:

THE STATE OF WISCONSIN,

To ——— ———, *treasurer of the town of* ———, *in the county of* ———:

You are hereby commanded to collect from each of the persons and corporations named in the annexed tax roll, and of the owners of the real estate described

therein, the taxes set down in such roll opposite to their respective names, and to the several parcels of land therein described; and in case any person or corporation upon whom any such sum or tax is imposed, shall refuse or neglect to pay the same, you are to levy and collect the same by distress and sale of the goods and chattels of the persons or corporation so taxed; and out of the money so to be collected, after deducting your fees, you are first to pay to the treasurer of said county, on or before the last Monday in January next, the sum of —— for state taxes; you are to retain and pay out, as town treasurer, according to law, the sum of ———; and the balance of said money you are required to pay to said treasurer for county purposes, on or before the day above specified; by which day you are further required to make return to said treasurer of this warrant, with said roll annexed, together with you doings thereon as required by law.

Given under my hand this ——— day of ——— A. D. 18——.

———— ————, Town Clerk.

Clerk to deliver tax roll to treasurer.

The clerk shall then deliver the tax roll, with said warrant annexed, to the town treasurer, and charge him with the town and local taxes therein.

PENALTIES.

Penalties for neglect of duty.

SECTION 34. If any officer shall refuse or wilfully neglect to perform any duty imposed upon him by the provisions of this act, or shall consent or connive at any evasion of the provisions thereof, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by imprisonment in the county jail not less than one month nor more than one year, or by fine of not less than twenty-five nor more than five hundred dollars, or by both such fine and imprisonment, in the discretion of the court, and shall be liable in a civil action in double the amount of damages to any town or person suffering loss by such refusal, neglect or connivance.

Repeal of conflicting laws.

SECTION 35. This act shall take effect and be in force from and after its passage and publication, and all acts or parts of acts conflicting therewith are hereby repealed.

Approved March 6, 1868.

CHAPTER 131.

[*Published March* 11, 1868.]

AN ACT to provide for the publication of the private and local laws in local papers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Local laws of general interest to be published in local papers.

SECTION 1. The secretary of state, immediately after the publication in the state paper of any private or local law of a general interest, shall furnish a copy thereof to the publisher of some county or local newspaper published in the county or place to which such law relates, and printed in the English language, and the publisher of such paper, upon proof of publication thereof, duly furnished to the secretary of state, shall be entitled to be paid for the same out of the state treasury, at the rates fixed by law for legal advertising.

Secretary of state to select paper.

SECTION 2. The newspaper so furnished with such private or local law of a general interest shall be the one published nearest the place or point to which the subject matter of such law relates; and, when one or more newspapers are published in the same place, the secretary of state shall make choice of the one he thinks most proper for the publication herein provided for.

If no paper in county, may publish in adjoining county.

SECTION 3. In case no newspaper is published in the county or place to which such local or private laws may chiefly relate, then the secretary of state may cause such law to be published in a newspaper printed in a county adjoining thereto, if one is printed in an adjoining county.

SECTION 4. There is hereby appropriated annually, from any money in the state treasury not otherwise appropriated, a sum sufficient to meet the expenditures incurred under this act.

Approved March 6, 1868.

CHAPTER 132.

[*Published March* 11, 1868.]

AN ACT to provide for the re-assessment and collection of taxes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

When tax or assessment declared void, may be re-assessed.

SECTION 1. All taxes and assessments, either special or general, which have been heretofore or may hereafter be levied in any town or city in this state upon any lands or real estate in such town or city, and which may have been or shall be set aside and declared illegal or void by the judgment or decree of any court of this state in consequence of any irregularity in any of the proceedings in levying said tax or assessment, or in consequence of any omission to comply with the forms of law under which said tax or assessment may be or has been made, may be re-assessed and re-levied upon said lands or real estate in any such town or city at any time within four years after the judgment of the court setting aside said tax or assessment shall be pronounced; and it shall be the duty of any town board of any town or city council of any city, and they are hereby authorized to insert in the tax roll of such town or city the amount of such tax or assessment, and the same shall be collected the same as other taxes and assessments are collected which have been assessed upon such lands or real estate for the year in which the said re-assessment is inserted in the tax roll.

Tax to be re-levied on original lands.

SECTION 2. The taxes and assessments which may be re-levied according to the provisions of this act, shall be re-levied upon the same lands and real estate upon which the tax and assessment declared irregular or void was originally assessed, and this act shall apply to all taxes and assessments whether general or special, and shall apply to all the towns and cities in this state.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 6, 1868.

CHAPTER 133.

[*Published March* 16, 1868.]

AN ACT to annex certain territory in the county of Dunn to the county of Pepin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Question of annexation to be submitted to electors.

SECTION 1. At the annual town meeting to be held on the first Tuesday of April, one thousand eight hundred and sixty-eight, in the different wards, towns and election precincts of the county of Dunn, there shall be submitted to the qualified electors thereof, the question of annexing the towns of Rock Creek and Peru, in said county of Dunn, to the county of Pepin.

Form of ballots

SECTION 2. The ballots to be cast on said question shall contain the words "for annexation," or "against annexation." In case a majority of said electors voting on said question shall vote for annexation, the said towns shall thereafter form and constitute for all purposes a part of the said county of Pepin. In case a majority of such electors shall vote against annexation, the said towns shall continue to belong to the said county of Dunn. The ballots given on said question shall be deposited in a separate box to be provided by the inspectors of election of the several wards, towns and election precincts for that purpose, and shall be canvassed, certified and returned as other ballots and election returns are canvassed, made and certified, and the clerk of the county board of supervisors of said county of Dunn shall record the result thereof in a book in his office.

Ten days' notice to be given.

SECTION 3. Ten days' notice of such submission shall be given by the sheriff of Dunn county by posting in one public place in each town of Dunn county, a written or printed notice, stating that a submission of the question of such annexation to Pepin county will be had.

How special town meeting may be called if question is not submitted at April election.

SECTION 4. In case, from any cause whatever, said question is not submitted to the electors of said county at the annual town meeting on the first Tuesday of April, one thousand eight hundred and sixty-eight, it shall be submitted at any election or town meeting

thereafter, when any ten electors of said county shall file with the clerk of the county board of supervisors a petition therefor, and when such petition is thus filed, the said clerk shall give public notice of the proposed submission of such question in the same manner as notices of general elections are now required by law to be given by the sheriff.

SECTION 5. All acts or parts of acts conflicting with this act are hereby repealed.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 6, 1868.

CHAPTER 134.

[*Published March* 13, 1868.]

AN ACT to amend chapter 18 of the revised statutes, entitled "of the assessment and collection of taxes."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section 65 of chapter 18 of the revised statutes, entitled "of the assessment and collection of taxes," is hereby amended by striking out the word "thirty," in the fifth line of said section, and inserting instead the word "fifty," so that the said section, when amended, shall read as follows: "The board of supervisors of any town and the common council of any city shall have power, and they are hereby authorized, to extend the time for the collection of taxes in such town or city for such period of time, not exceeding fifty days, as the said board of supervisors or the said common council may deem necessary."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 6, 1868.

CHAPTER 135.

[*Published March* 13, 1868.]

AN ACT relating to and amendatory of section sixty of chapter eighteen of the revised statutes, entitled "of the assessment and collection of taxes."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section sixty of chapter eighteen of the revised statutes is hereby amended by striking out the word "second" in the fourth line of said section and amending (*of*) it so as to read as follows: "The said town clerk shall immediately make out a fair copy of such assessment roll when thus completed, and deliver the same to the town treasurer of his town, on or before the third Monday of December in each year, but in no case shall the assessment roll be delivered to such treasurer until he shall have executed the bond and delivered the receipt required in the fifty-seventh and fifty-eighth section of this chapter."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 6, 1868.

CHAPTER 136.

[*Published March* 14, 1868.]

AN ACT to provide for the re-assessment and collection of delinquent taxes of 1865 and 1866, on the shares of national banks in this state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Delinquent bank tax must be re-assessed.

SECTION 1. It shall be the duty of the state treasurer to transmit, as soon as practicable, to the assessor of every city, ward or town in this state, in which is located any banking association organized under a law of the United States, a statement prepared from the

best information within his reach, showing the date of the organization of such bank, and the amount of its capital stock and the names of the persons who were shareholders in such banks on the 5th day of June, 1865, and on the 5th day of June, 1866, and the number of shares held then by each, and stating whether the taxes due to the state for the year 1865 or 1866, or for both of said years remain unpaid.

Duty of assessor.

SECTION 2. It shall be the duty of the assessor of every such city, ward or town to include in the valuation of the personal property for the year 1868, of any person or corporation (whether residing or located in or out of such city, ward or town), the shares of such banking association which were owned by such person or corporation, at the time fixed by law for the assessment of personal property in each of the years for which taxes thereon appear by said statement of the state treasurers [to] remain unpaid, and to assess such shares at their true cash value at such time, but such shares shall in no case be assessed at more than their par value.

Shall be furnished with names of shareholders.

SECTION 3. Such assessor may apply to any officer or manager of such banking association for the names of such shareholders, and, upon such application, it shall be the duty of such officer or manager to furnish to such assessor a correct list of all the shareholders in such association during each of said years separately, showing their respective places of residence, so far as he can ascertain the same, and the number of shares held by each shareholder on the 5th day of June, 1865, and the 5th day of June, 1866, to be verified by the affidavit of such officer or manager.

Shall ascertain value of shares.

SECTION 4. Such assessor shall inquire into and ascertain the true cash value of such shares, at the time fixed by law for the assessment of personal property for taxation during each of said years 1865 and 1866, for which the taxes on such shares appear by the statement of the state treasurer to be unpaid, and, to enable him to do so, he is hereby authorized to examine on oath any officer or manager of such association, or any other person whom he may suppose to possess the necessary information, or he may apply to any justice of the peace of the county, or county judge, who shall summon any such officer or manager or other person to appear before him at such time as the assessor may designate, and answer on oath all pertinent questions that may be

put to him by such assessor, his agent or attorney, touching the value of such shares. Any person who shall willfully neglect or refuse to obey the process of such justice or county judge, or to be sworn to make answer to the questions aforesaid, shall be deemed guilty of misdemeanor, and upon conviction thereof, shall be punished by fine not exceeding one thousand dollars nor less than two hundred dollars.

Clerk shall assess shares at same rate as other capital.

SECTION 5. It shall be the duty of the clerk of the city, village or town in which any bank is located, to set down on the proper assessment roll opposite the name of each owner of such shares for each of said years therein mentioned separately, the same per centum of rate of tax which was in such year assessed and levied upon other monied capital in the hands of individual citizens of the state, in such city, ward or village, or town, and no greater rate: *provided, however*, that the per centum or rate so to be set down shall not in any case exceed the rate of one and one-half per centum, upon the assessed value of such shares; *and provided further*, that if the organization of any such bank took place after the first day of January in either of said years, then the tax so to be set down for such year shall be reduced so as to bear such proportion to the rate above provided for as the part of the year unexpired at the date of its organization bore to the whole year.

Duty and fees of collector.

SECTION 6. The town, city or village collector shall collect the taxes so levied upon such shares in the same manner as taxes upon other personal property are by law to be collected and may retain out of the same for his fees, three per cent, and the residue, as fast as collected, he shall pay over to the state treasurer. In case such collector shall seize upon any personal property of the shareholders, for the payment of such tax, the proceedings under such seizure and the sale of the property seized, shall be the same as provided by section 75 and 76 of chapter 18 of the revised statutes.

If returned delinquent, how to proceed.

SECTION 7. If any such tax is returned delinquent the same proceedings shall be had for its collection as in the case of delinquent taxes on other personal property, or the amount may be collected of the person owning the same, by action in the name of the state treasurer in any court of competent jurisdiction.

Tax not to be held invalid.

SECTION 8. No tax levied under the provisions of this act shall be held invalid for want of form or for any mere omission or irregularity which does not affect the substantial justice of such tax.

Penalty for non-performance of duty by assessors and collectors.

SECTION 9. Any such assessor or collector who shall willfully neglect or refuse to perform any of the duties required of him by this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by fine not less than one thousand dollars nor more than two thousand dollars, or by imprisonment in the county jail not less than six months nor more than one year.

Penalty for refusal to give list of stockholders

SECTION 10. If any president or cashier of any such national bank shall refuse to give to the proper assessor, the list and statement required by the third section of this act, the president or cashier so refusing shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by fine not less than two thousand dollars nor more than five thousand dollars.

State treasurer to forward instructions.

SECTION 11. The state treasurer is hereby directed to forward to each assessor and collector of taxes at places where such banks are located a printed copy of this act, with such instructions as he may think necessary to aid them in the performance of their duties under the same.

Tax may be paid directly to state treasurer.

SECTION 12. The said banking associations may pay directly to the state treasurer the amount of taxes upon the shares of their respective shareholders, assessed under this act at any time before the warrant for the collection of the same is issued with rebate of interest from the time of such payment until the first day of January ensuing, and upon exhibition of the state treasurer's receipt for such taxes, proceedings for collection thereof shall be suspended and the collector shall make return accordingly.

SECTION 13. The value of bank shares assessed under this act shall not be included in the basis for apportionment of taxes.

National banks may bring action to test legality of tax.

SECTION 14. Any shareholder in any national bank or banking association in this state may at any time before the first day of May, A. D. 1869, pay to the state treasurer the amount of tax required to be levied and collected upon his share or shares in such associations, and may immediately after such payment bring (*in*) and maintain an action against the state in the

supreme court thereof, to recover back the money so paid, with interest from the time of payment, at six per cent., in which action the payment so made shall be taken and deemed to have been compulsory and not voluntary, and if it shall be determined by the supreme court of this state or the supreme court of the United States, on error to that court in such action, that this state could not, under chapter 400 of the laws of this state or the provisions of this act, lawfully impose and collect or re-assess and collect the taxes provided for in said chapter 400 of the laws of 1865, or this act, and required by this act to be re-assessed and collected, then all taxes paid or collected under the provisions of this act on such shares, together with the taxes heretofore paid to the state treasurer on such shares, by any national bank or any shareholder or shareholders therein for the year 1865, shall be refunded and repaid to the person or party paying the same, his or their assigns or legal representatives, with interest in each case from the time of such payment, at six per cent., and the court may render judgment accordingly in such action. It shall be the duty of the secretary of state to audit and certify to the state treasurer in each such case, the amount or amounts so to be repaid or refunded under the provisions of this act, with interest as aforesaid, and draw his warrant or warrants on the state treasurer for the payment of the same; and it shall be the duty of the state treasurer to pay the same upon presentation, out of any money in the treasury not otherwise appropriated. No more than five such actions shall be so brought to test the validity of the aforesaid taxes, or the re-assessment thereof.

Conflicting acts repealed.

SECTION 15. This act shall take effect from and after its passage and publication, and all acts and parts of acts coming within the purview of this act, so far as they conflict with the provisions of this act, are repealed.

Approved March 6, 1868.

CHAPTER 137.

[*Published March* 14, 1868.]

AN ACT to provide for the purchase of certain digests of Wisconsin reports.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Secretary may purchase digest

SECTION 1. The secretary of state is hereby authorized and directed to purchase on behalf of the state from James Simmons, Esq., of Walworth county, two hundred and fifty copies of said Simmons' digest of Wisconsin reports, from the earliest period to the year 1868, (now being published by W. Gould & Son, of Albany, N. Y.), at five dollars and fifty cents per volume: *provided*, that said copies shall be of good material, well printed, and bound in good and substantial law binding.

When to be delivered.

SECTION 2. The copies so purchased shall be delivered to the secretary of state, at Madison, within two months after the publication thereof shall be completed, and shall be distributed and disposed of by him in the same manner as is now provided by law for the distribution and disposal of the volumes of reports of decisions of the supreme court.

Secretary shall audit account.

SECTION 3. Upon receipt of said two hundred and fifty copies of said digest, composed of such materials, and so printed and bound, as provided by section one of this act, the account therefor, at the price aforesaid, shall be audited by the secretary of state, and paid by the state treasurer upon the warrant of said secretary of state, out of any money in the treasury not otherwise appropriated.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 6, 1868.

CHAPTER 138.

[*Published March* 13, 1868.]

AN ACT to amend section 38 of chapter 13, of the revised statutes, entitled "of counties and county officers"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 38 of chapter 13, of the revised statutes, is hereby amended by adding thereto the following proviso, to wit: "*provided further*, that no town containing an area of six miles square or less shall be divided, unless a majority of the legal voters of each subdivision of said town shall vote in favor of said division." Amended.

SECTION 2. All acts and parts of acts contravening the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 6, 1868.

CHAPTER 139.

[*Published March* 13, 1868.]

AN ACT to establish the place of trial in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Whenever a person holding the office of judge of the circuit court shall be a party to an action in the circuit court, or shall be near of kin to either party, such action may be instituted in any county of an adjoining circuit in this state, and like proceedings shall be had as if the parties defendant or any of them resident [resided] in such county. May bring action in adjoining county when judge is a party.

SECTION 2. All acts contravening the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 6, 1868.

CHAPTER 140.

[*Published March* 12, 1868.]

AN ACT to prescribe certain dutes to be performed and certain records to be kept by county judges.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

County judge shall keep court record.

SECTION 1. There shall be kept in the office of the several county courts of this state, a book, to be called a "court record," and when any matter or proceeding is had or brought in any county court, upon petition or otherwise, the county judge shall cause the same to be entered, in a proper manner, under or with a proper title, in such "court records," with a brief statement of the nature of the matter or proceeding, and all papers that are filed, that in any wise relate to the matter or proceeding, shall at the time of their filing be entered in such record, with the date of filing and a statement of the nature of the paper filed, so that the record will show the date of filing of all papers in the matter or proceeding, and be a complete index, or brief history of the matter or proceeding, from its beginning to the final disposition thereof: *provided, further*, such record shall be correctly paged and indexed.

Shall keep minute book.

SECTION 2. There shall be kept by the several county judges of this state a "minute book," in which they shall enter a brief statement of all the proceedings of the county court during its holdings, and shall also show all motions made, and by whom, and all orders granted in open court or otherwise; together with the names of all witnesses sworn or examined upon any matter, proceeding or hearing, had in said court; *and it is further provided*, that the volume and page of the minute book, where any minute record is

made, shall be noted in the aforesaid "court record," so that the court record will show where all minute entries can be found in each matter or proceeding of record therein.

Testimony of witnesses to be reduced to writing.

SECTION 3. When any witness is sworn or examined in any matter or proceeding, in the several county courts of this state, the testimony of the witness shall be reduced to writing and filed with the other papers in the matter or proceeding.

Wills to be recorded.

SECTION 4. All wills admitted to probate and all orders made in any matter or proceeding, shall be recorded in full, in books of record, to be kept in the county judge's office for that purpose.

Penalty for neglect to comply with this act.

SECTION 5. In case any county judge shall neglect or refuse to comply with the provisions of this act, he shall forfeit a fine and penalty of not less than one hundred dollars in each case of such neglect or refusal, to be collected in the same manner that other penalties and forfeitures are now collected by law.

SECTION 6. The county of Milwaukee is hereby excepted from the operation of this act, and none of the provisions thereof shall apply to the county judge of Milwaukee county.

SECTION 7. This act shall take effect and be in force from and after its passage.

Approved March 6, 1868.

CHAPTER 141.

[*Published March* 13, 1868.]

AN ACT to provide for the taxation of telegraph companies, and to repeal chapter 160 of the general laws of 1867, entitled "an act to provide for the taxation of telegraph companies."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Must report number of miles of telegraph lines to treasurer.

SECTION 1. The several telegraph and other companies now engaged in the business of telegraphing in this state, or which may hereafter engage in such business therein, shall, on or before the tenth day of January

in each year, make out and return to the treasurer of this state a true and just statement of the number of miles of telegraph line owned and controlled by their respective companies within this state for the preceding year, up to the first day of January, which statements shall be verified by the affidavits of the respective secretaries and treasurers; and each of said companies shall on or before the day aforesaid, pay to the treasurer of this state, for the use of the state, a sum equal to one dollar per mile of said line, which shall be in full of all taxes upon said companies.

Amount per mile to be paid.

SECTION 2. Chapter 160 of the general laws of 1867, entitled "an act to provide for the taxation of telegraph companies," is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 6, 1868.

CHAPTER 142.

[*Published March* 13, 1868.]

AN ACT to amend chapter 121 of the revised statutes, entitled "of the jurisdiction of justices in criminal cases, and of the proceedings therein," and to repeal chapter 321 of the laws of 1860, entitled "an act to amend chapter 121 of the revised statutes, entitled 'of the jurisdiction of justices in criminal cases, and of the proceedings therein.'"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section thirty, of chapter one hundred and twenty-one, of the revised statutes of this state, is hereby amended so as to read as follows, to wit: "In all cases of conviction under the provisions of this chapter, where no other punishment is prescribed by law, the justice shall enter judgment for fine and costs of prosecution against the defendant, and shall commit him until the judgment is satisfied: *provided*, that when the fine imposed is five dollars or less, such commitment shall terminate, and such defendent shall be discharged at the end of five days, upon his complying

with the provisions and requirements of section twenty, of chapter one hundred and ninety of the revised statutes of this state; and when the fine imposed is more than five dollars and less than fifteen dollars, such commitment shall terminate and such defendant shall be discharged at the end of forty days, upon his complying with the provisions and requirements of section twenty of chapter one hundred and ninety aforesaid; or the justice shall enter a judgment that the defendant be imprisoned in the county jail for a term not less than five nor more than forty days, and shall forthwith commit for the term fixed by such judgment; and in all cases of conviction of offences of which justices of the peace and justices' courts have final jurisdiction, where the judgment shall be that the defendant be imprisoned in the county jail, the justice may, at his discretion, enter a further judgment, that the defendant pay the costs of the prosecution and that he be held in imprisonment, in said county jail, until such costs be paid."

SECTION 2. Chapter 321 of the laws of 1860, entitled "an act to amend chapter 121 of the revised statutes, entitled 'of the jurisdiction of justices in criminal cases, and of the proceedings therein,'" is hereby repealed. Repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 6, 1868.

CHAPTER 143.

[*Published March* 14, 1868.]

AN ACT to amend section 20, chapter 121, and section 16, chapter 176 of the revised statutes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 20 of chapter 121 of the revised statutes, entitled "of the jurisdiction of justices in criminal cases and of the proceedings therein," is hereby Section twenty amended.

amended by inserting after the word "jury" in the eighth line of said section, the words, "and the fees of witnesses," so that the section shall read, when amended, as follows: "Whenever the accused, tried under the preceding provisions of this chapter, either by the court or by a jury, shall be acquitted, he shall be immediately discharged; and if the court before whom the trial is had shall certify in his docket that the complaint was willful and malicious and without probable cause, it shall enter a judgment against the complainant to pay all the costs that shall have accrued to the court and sheriff or constable and jury, and the fees of witnesses, in the proceedings had upon such complaint. The complainant may stay such judgment for thirty days, by giving satisfactory security by bond to the state, with one or more sureties, conditioned for the payment of such judgment at the expiration of thirty days; but if the complainant shall neglect to give such security, or shall neglect to pay such costs, then in such case the court, before whom such cause is tried, may issue execution on such judgment, against the person of the complainant in the same manner and to the like effect as is now provided by law, in cases where execution may issue against a defendant in actions founded in tort."

If complaint willful complainant to pay costs.

Section sixteen amended.

SECTION 2. Section sixteen of chapter 176 of the revised statutes, entitled "of the arrest and examination of offenders committed for trial and taking bail," is hereby amended by adding at the end thereof the following clause: "and in case the magistrate before whom the proceeding was had, shall, upon the discharge of the prisoner, certify in his docket that the complaint was willful and malicious and without probable cause, he shall forthwith enter judgment against the complainant for all of the costs of the proceeding, including witness fees. The complainant may stay such judgment for thirty days, by giving a bond to the state, with one or more sureties to be approved by the justice, conditioned for the payment of such judgment at the expiration of the thirty days; but if the complainant shall neglect to pay said judgment, or to give such security, then the magistrate shall forthwith issue execution on such judgment against the person of the complainant, which execution shall have the same force and effect as is now provided by law in cases where execution may issue against a defendant in actions founded in tort."

Complainant may stay judgment.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 6, 1868.

CHAPTER 144.

[*Published March* 16, 1868.]

AN ACT to authorize the state treasurer to close up the circulation of certain banks, and for other purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Treasurer may give notice for redemption.

SECTION 1. The state treasurer is hereby authorized to give notice in accordance with the provisions of the banking law, for the redemption of the circulating notes of the twenty-one banks assigned to the state under the provisions of chapter 282 of the general laws of 1865.

Treasurer may withdraw bonds.

SECTION 2. To carry out the provisions of section one of this act, the state treasurer is hereby authorized to withdraw from the bank comptroller the state bonds now on deposit to secure said circulating notes, and deposit with the bank comptroller in lieu thereof a certificate of indebtedness equal to the amount of said circulating notes outstanding, and from time to time pay such sums of money thereon as may be necessary to redeem what circulating notes may be presented, and at the expiration of the time for the redemption of said circulating notes the bank comptroller shall surrender to the state treasurer said certificate of indebtedness, and all funds then remaining in his hands for the redemption of said circulating notes, on receipt of the state treasurer.

SECTION 3. There is hereby appropriated from any funds in the state treasury not otherwise appropriated, a sum sufficient to carry out the provisions of this act.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 6, 1868.

CHAPTER 145.

[*Published March* 13, 1868.]

AN ACT regulating the salary of the judges of the supreme court of the state of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Salaries of supreme judges fixed.

SECTION 1. The salary of the chief justice and of each of the associate justices of the supreme court of the state of Wisconsin hereafter elected or appointed is hereby established at the sum of four thousand dollars per annum; and there is hereby annually appropriated, to be paid out of the state treasury in the manner now provided by law the sums above named.

SECTION 2. All acts or parts of acts contravening this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 6, 1868.

CHAPTER 146.

[*Published March* 14, 1868.]

AN ACT to authorize the judge of the county court of Sauk county to hold special terms of said court at Sauk City in said county, and legalize the holding of special terms at said place heretofore held.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May hold special terms.

SECTION 1. The judge of the county court of Sauk county is hereby authorized to hold special terms of said court at Sauk City in said county at his discretion, between the times for holding the regular terms in each month, and all business transacted at such special terms shall be as lawful as if transacted at the regular terms at the county seat of said county.

SECTION 2. All business which may have been heretofore transacted by the county judge of said county at any other place than the county seat, is hereby declared to be as valid as though the same had been done at the county seat. Business not done at county seat valid.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 6, 1868.

CHAPTER 147.

[*Published March* 14, 1868.]

AN ACT in relation to the supreme court.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The supreme court is hereby authorized to appoint a crier for said court for each of the terms thereof, and the crier so appointed shall attend the term of said court for the term for which he shall be appointed, and shall perform all the duties now required by law of the sheriff and crier of said court. Such crier shall be allowed the sum of two dollars for each day's actual attendance upon said court, to be ascertained by the certificate of the chief justice of the said court. Supreme court may appoint crier. His pay.

SECTION 2. There is hereby appropriated from any moneys in the state treasury not otherwise appropriated, an amount sufficient to pay the fees of the crier of the said court, authorized by this act to be appointed. Appropriation.

SECTION 3. All acts and parts of acts contravening the provisions of this act are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 6, 1868.

CHAPTER 148.

[*Published March* 13, 1868.]

AN ACT to transfer the war fund to the general fund and discontinue the war fund.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

War fund to be transferred.

SECTION 1. So much of section one (1) of chapter thirteen (13) of the laws of the extra session of 1861, or so much of any law as establishes a separate fund to be known as the "war fund," is hereby repealed; and all sums of money due or to become due to the war fund, shall be paid into the general fund, and all appropriations which by law are payable from the war fund are hereby made payable from any money in the general fund not otherwise appropriated.

Secretary to close account.

SECTION 2. The secretary of state and state treasurer are hereby directed to close the accounts of the war fund on the books in their respective offices, and charge to the general fund the amount now overdrawn from the war fund.

SECTION 3. This act shall take effect and be in force on or after its passage and publication.

Approved March 6, 1868.

CHAPTER 149.

[*Published March* 13, 1868.]

AN ACT to provide for the recording of indictments and to make such records evidence in courts.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Clerks of courts shall record indictments.

SECTION 1. It shall be the duty of the several clerks of the circuit courts of this state, immediately upon the presentment of any indictment by the grand jury, to record the same at length in a book to be

provided for that purpose to be kept in the office of each such clerk, and such record, or certified copies therefrom, may be read in evidence, and proceedings held thereon, in like manner and with the same effect as the originals.

Judge shall attest record.

SECTION 2. It shall be the duty of the judge of the circuit court wherein every indictment shall be presented to compare such record with the original indictment, and attest the same with his own signature, which said attestation shall be written in said record of each such indictments.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 6, 1868.

CHAPTER 150.

[*Published March* 13, 1868.]

AN ACT relating to the collection of taxes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Clerk of board of supervisors to return list of lands on which tax remains unpaid for three previous years.

SECTION 1. It shall be the duty of the clerk of the board of supervisors on or before the first day of July each year, to return to the supervisors of the several towns, cities, villages or wards in their respective counties, a list of taxes remaining unpaid upon any tract of land in their respective towns, cities, villages or wards, for the preceding three years, and the town, city, village or ward assessment roll shall be made to show opposite each tract of land therein assessed, and under the head of "taxes unpaid for previous years," the year or years for which such tax remains unpaid, and all county, town, city, village or ward treasurers in giving receipts for taxes paid upon any tract of land, shall under the head of "taxes unpaid for previous years," enter in such receipt opposite the said tract, the year or years for which such unpaid tax is due on the tract of land thus receipted for.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 6, 1868.

CHAPTER 151.

[*Published March*, 13, 1868.]

AN ACT to amend section three of chapter 434 of the general laws of 1864, entitled "an act to amend chapter 155 of the general laws of 1858, entitled 'an act to codify the laws of this state relating to common schools.'"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section three of chapter 434 of the general laws of 1864, is hereby so amended as to read as follows: "Section 3. Section seventy-eight of said chapter 155 is hereby amended so as to read: 'Whenever a school district shall be unable to obtain the school house site, or addition to such site, selected or designated by a majority of the electors thereof present at a regular meeting or at a special meeting called for that purpose, on account of the refusal of the owner to sell or lease the same for a just and reasonable compensation, or on account of the owner being a non-resident, such site may be located and established by the town board of supervisors in the manner hereinafter provided.'"

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 6, 1868.

CHAPTER 152.

[*Published March* 13, 1868.]

AN ACT to amend chapter 22 of the general laws of 1866, entitled "an act relating to the organization of manufacturing companies in this state, and chapter 42 of the general laws of 1867, amendatory thereof."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter 22 of the general laws of 1866, is hereby amended by adding at the end thereof the words following: "and the managing agent, or other officers who shall have charge of the general business of such corporation, shall reside in this state. All process, papers and proceedings may be served upon such corporation by leaving the same at such office with the person in charge, or by serving the same upon such agent, or the president, secretary or treasurer of such corporation." Section one amended.

SECTION 2. Section two of said chapter 22 is hereby amended so as to read as follows: The by-laws and all resolutions and proceedings of the stockholders and board of directors of such corporation, shall be entered in a book kept for that purpose at such office, and shall be at all times open for the inspection of any stockholder of such corporation, and of all committees of the legislature authorized to examine into its affairs, and shall be kept subject to the call and inspection of the courts when the same shall be required in judicial proceedings, and no such resolution or proceeding shall be of any force or effect until the same shall be recorded in such book. All of the business transactions of any such corporation shall be entered upon books of account, and all of the general and principal books of account of any such corporation shall be kept at such office, and annually in the month of January in each year, a balance sheet and exhibit of the transactions of such corporation shall be made out and filed in such office, to which shall be affixed the affidavit of the president, secretary or treasurer of such corporation, to the effect that the same is a true and correct exhibit and balance sheet of the transactions of said company Section two amended.

for such year, that the purpose and account of the disbursements therein set down and the amount of such disbursements are truly and faithfully stated therein, and that such disbursements were necessarily made in the business of such corporation and that the whole amount of the receipts of said company and the source and amounts of each, are therein truly set down.

Section three amended.

SECTION 3. Section three of said chapter 22 is hereby amended by striking out the words "and of the board of directors," where they occur in the first and second lines of said section, so that said section will read as follows: "All meetings of the stockholders for the purpose of holding elections or the transaction of other business, shall be held at its said office, or at some other place within this state which shall first be specially designated by resolution of the board of directors of which the same notice shall be given as may be required by law to be given of the holding of general or special meetings of said corporation."

Repealed.

SECTION 4. Section two of chapter 42 of the general laws of 1867, is hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 6, 1868.

CHAPTER 153.

[*Published March* 13, 1868.]

AN ACT prescribing the manner in which the accounts of witnesses jurors and interpreters for fees in certain cases shall be rendered and paid.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Accounts to be certified and filed with the clerk of the board.

SECTION 1. Whenever any action shall come before a justice of the peace or court commissioner in which the state of Wisconsin is a party, and where the county shall be liable for the fees of jurors, interpreters and witnesses, the fees of said jurors, interpreters and witnesses shall be certified to and paid in the following manner: At least ten days before the annual meeting

of the board of supervisors of each county, in November, every justice of the peace and court commissioner in this state shall file with the clerk of the board of supervisors of his county a certified statement, which shall recite the title of the action and its nature and date of trial or examination, and before whom it was heard; the names of all jurors called in the case (if any), the names of all witnesses subpœnæd on the part of the state, who actually attended court, and gave in a statement of their attendance and travel and the names of interpreters sworn (if any), together with the number of days each attended, miles traveled and the amount to which they are entitled. Said certified statement shall be substantially in the following form:

Form of statement and certificate.

IN JUSTICE'S COURT.

Before ——— ———, Justice of the peace.

State of Wisconsin, vs. ——— ———. } Complaint for ———.

Heard the —— day of ——, 18—.

To the board of supervisors of ——— county:

I hereby certify that in the foregoing entitled action, the following named persons attended before me in the capacity stated, and that they are severally entitled to the amounts specified below for said attendance and travel.

INTERPRETER.

A. B., ——— miles travel, ——— days' attendance; amount $———.

JURORS.

C. D., ——— miles travel, ——— days' attendance; amount $ ——.

WITNESSES IN BEHALF OF STATE.

E. F., ——— miles travel, ——— days' attendance; amount $———.

——— ———,
Justice of the Peace.

Dated this ——— day of ———, 18—.

Such statement shall be laid before the board of supervisors by each clerk, and shall be conclusive evidence of the claims of the persons named, and it shall be the duty of the board of supervisors to audit such claims, and draw orders therefor.

Order cancelled if not called for in two years.

SECTION 2. If any person in whose favor an order may be so drawn, shall fail to call for the same within two years from the time the same shall have been audited and allowed in the manner provided in the last preceding section, he shall be deemed to have waived his right to any compensation for his services, and the clerk of the board shall deliver the order to the board of supervisors, to be cancelled.

Penalty for failure to make statement.

SECTION 3. If any justice of the peace or court commissioner shall fail to make statement as required by this chapter, he shall be liable to each witness, juror and interpreter in the case to an amount of five times the fees of each witness, juror or interpreter, which may be recovered in the same [manner] that other claims for damages are recovered.

SECTION 4. No claim of any juror, witness or interpreter for fees which may become due after this act goes into effect, shall be allowed by any board of supervisors, unless it comes before them in the manner above prescribed.

Fee for certificate.

SECTION 5. For making each certificate required of any justice of the peace or court commissioner, by this chapter, the compensation shall be twenty-five cents, to be paid in the same manner that other fees in state cases are paid.

Clerk to send copy of this law to justices.

SECTION 6. It shall be the duty of the clerk of the board of supervisors in each county in this state to mail a copy of this act to each justice of the peace and court commissioner in his county at least ten days before the first day of May next.

SECTION 7. This act shall take effect and be in force from and after the first Monday of May next.

Approved March 6, 1868.

CHAPTER 154.

[*Published March* 14, 1868.]

AN ACT to amend chapter sixty-seven (67) of the general laws of 1867, entitled "an act to authorize the secretary of state to procure and furnish to the clerks of the county boards of supervisors authenticated lists of deserters from the military and naval service of the United States, and to provide for their distribution," and for other purposes in connection with men charged with desertion.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section four of chapter sixty-seven of the general laws of 1867, is hereby amended by adding to said section the following words: "*provided, however*, that whenever any person so charged, as aforesaid, upon said list with having deserted the said military or naval service of the United States, shall present to any court, board of registry, or to the inspector of any election in this state, the certificate of the adjutant general of the state that he has made a careful examination, upon proof submitted, with said charge of desertion, and is satisfied from said proof that the charge is unfounded, such certificate shall be held and deemed to rebut and do away with the *prima facie* case made under this law by said list against such person so charged with desertion." Amended.

SECTION 2. Whenever it shall be made to appear, by competent testimony presented to the adjutant general of the state that any person has been wrongfully reported at the war department as a deserter from any Wisconsin military organization, or from any draft duly ordered in this state during the late war of the rebellion, he shall, upon such proof, issue his official certificate to the person, or to the legal representatives of the person, so improperly charged with desertion, as contemplated in the preceding section. As to the character of the testimony upon which the certificate of the adjutant general shall be based, he shall require the best proof of which the case is susceptible, complying in form and substance, as nearly as possible, with the requirements of the various departments of the general government in like case, all How charge of desertion to be removed.

papers filed as evidence to be in duplicate. He shall also consider in evidence in all cases when pertinent, the records of his office.

Duty of adjutant general.

SECTION 3. The adjutant general shall keep on file in his office, properly classified and arranged for reference, one set of the papers transmitted in such case. He shall also classify and arrange the duplicates in the same manner, and at the end of the three months next ensuing the passage of this act, he shall transmit to the war department at Washington a list of the names of all soldiers to whom during the said three months he shall have issued the certificates hereinbefore provided for, with complete sets of the papers upon which the same were based, accompanying said list and evidence, with an official request that the names thereon be stricken from the list of deserters on file in said department. At the end of each month after the transmission of the first list, he shall transmit a list of those to whom he has during said month, issued certificates with request and evidence as hereinbefore provided. When the department at Washington shall notify said adjutant general that the evidence in any case is insufficint to warrant the removal of the charge of desertion, as requested, he shall immediately advise the party applying for the removal of such charge of the additional evidence required, both as to form and substance.

Secretary of state to strike names from list when certified by adjutant.

SECTION 4. The adjutant general shall officially inform the secretary of state of the names of men to whom he has issued his said certificate, and upon receipt of such notice the secretary of state shall strike such names from the list of deserters on file in his office. There shall also be published once in each two months, after the transmission to Washington of the first list, as provided in section three of this act, a list over the official certificate of said adjutant general of the men to whom certificates as aforesaid have been issued and the names of all to whom they have been issued during the year, shall be published in the annual report of the adjutant general.

Further duties of adjutant general.

SECTION 5. The adjutant general shall make such regulations, with the approval of the governor, as shall be necessary and proper to faithfully and fully carry out the provisions of this act. He shall have authority to administer oaths, take depositions in cases arising under this act, and in general to do all things essential

to the proper discharge of the duties hereby imposed upon him.

SECTION 6. This act shall take effect and be in force from and after its passage.

Approved March 6, 1868.

CHAPTER 155.

[*Published March* 14, 1868.]

AN ACT to amend section 24 of chapter 13 of the revised statutes, entitled "of counties and county officers."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section twenty-four of chapter thirteen of the revised statutes, entitled "of counties and county officers," is hereby amended so as to read as follows, to wit: "When a judgment shall be rendered against any county, or against the board of supervisors of any county, or against any county officer, in an action prosecuted by or against him in his name of office, when the same should be paid by the county, no execution shall be awarded or issued upon such judgment, but the same, unless reversed, shall be levied and collected in the manner herein provided, and in no other manner, and when so collected, shall be paid by the county treasurer to the person to whom the same shall be adjudged, upon the delivery of the proper vouchers therefor." Amended.

SECTION 2. The county board of supervisors, at their annual session held on the Tuesday next succeeding the general election, and after they shall have been notified of any such judgment, but not at any other session, shall, if all the persons elected as members of the board, or their successors in case of a vacancy, are present, ascertain the total amount of all such judgments as are mentioned in the preceding section, together with interest on the same up to the first Tuesday of June next thereafter, and shall according to their best judgment, apportion such amount County board to ascertain amount of judgments against county.

among the several towns and wards therein, in proportion to the valuation of the taxable property therein, for the year, as equalized by the board; and every such determination and apportionment shall be entered at large in their records, together with the ayes and noes of the members of the board in voting in relation thereto; and no such determination or apportionment shall be made unless all the persons elected as members of the board, or their successors in case of vacancy, shall be present and shall record their votes upon the question of such determination and apportionment.

Shall apportion amount among towns.

Clerk of board shall certify apportionment.

SECTION 3. The clerk of the board of supervisors shall, within five days after such apportionment, but not thereafter, make out two certificates of the several amounts apportioned, to be assessed upon the taxable property of each town or ward for the purpose of paying such judgments, which shall be called "county judgment purposes," one of which he shall deliver to the county treasurer, and the other to the clerk of the proper town or city as the case may be; and the county treasurer shall charge the amount specified in each certificate to the proper town or city.

Town clerk to make certified statement.

SECTION 4. The town clerk of every town who shall have received such certificate shall, on or before the first day of December next thereafter deliver to the town treasurer of his town, a certified statement, showing the amount of county judgment tax apportioned to such town; and such town treasurer shall, within six days after receiving such certified statement, in addition to his other official bonds, execute to the county treasurer and his successors in office, a bond in double the amount of county judgment tax apportioned to such town, with good and sufficient sureties, to be approved by the chairman of the board of supervisors of his town, or the county treasurer, conditioned that he will faithfully and truly account for and pay over according to law, all such county judgment tax which shall come into his hands, and shall deliver such bond to the county treasurer, to be filed and kept in his office and receipted for as required by law in case of other bonds of town treasurers.

Treasurer to give bond.

Town clerk shall make additional column to assessment roll.

SECTION 5. It shall be the duty of every town clerk who shall have received such certificate, in making out the annual assessment roll or tax list for his town, in

the mode provided in section 59 of chapter 18 of the revised statutes, to prepare an additional column in the assessment roll or tax list of such town, to be designated county judgment tax, and to calculate and carry out the total amount of county judgment tax apportioned to his town as aforesaid, setting opposite to the several sums set down as the valuation of real and personal estate, the respective sums assessed as taxes thereon, for such judgment as aforesaid in dollars and cents, rejecting the fractions of a cent; and such assessment roll or tax list containing such additional column shall conform in all respects to the assessment roll or tax list as provided for by law for the collection of state, county and other taxes, and shall be delivered to the town treasurer in the same manner, with warrant annexed, as now provided for by law.

How city clerk shall proceed.

SECTION 6. The clerk of any city in any county in which the county board of supervisors shall have apportioned any amount for the payments of county judgment as provided in the second section of this act, and who shall have received from the clerk of the board of supervisors, such certificate as aforesaid, shall in making out the assessment rolls or tax lists for the several wards of such city, proceed in the same manner as provided in the last preceding section in relation to assessment rolls or tax lists in towns, so far as is applicable to such city, and the same proceedings shall be had, except as may be hereinafter provided, as are required to be had in section 63 of the revised statutes.

How town or city treasurer to proceed.

SECTION 7. The town or city treasurer shall proceed in the same manner, and comply with all the requirements of law in relation to the collection of any and all taxes specified in such assessment roll or tax list including such county judgment tax as is now provided by law in relation to the collection of state, county and other taxes; except that if any person shall desire to pay the other taxes assessed to him, or on any property exclusive of the county judgment tax, such town or city treasurer shall on the payment to him of the other taxes assessed to any person or on any property, give a receipt to the person making such payment, specifying the tax or taxes so paid, and that it is in full payment of all the taxes of such person or on such property, except such county judgment tax; and all the provisions of law applicable to the collection

of county taxes, and the return to the county treasurer of unpaid or delinquent county taxes shall in like manner be applied to the collection of county judgment taxes, and to the return of unpaid or delinquent county judgment taxes, except as herein provided.

How county treasurer to proceed.

SECTION 8. The county treasurer in selling any land for the non payment of taxes, interest and charges thereon, at any annual sale, as now provided by law, shall exclude from the amount for which such lands are offered for sale, the amount of any county judgment tax upon any such lands which may have been returned as unpaid or delinquent, and such annual sale for other unpaid or delinquent taxes shall be proceeded with as required by law, in the same manner as if no such county judgment tax had been assessed or returned unpaid or delinquent, and such lands shall be subject to sale for the non-payment of such county judgment tax when returned as unpaid or delinquent, as hereinafter provided, and not otherwise.

SECTION 9. The county treasurer shall, on the first day of April next after any return shall have been made to him by any town or city treasurer, that the county judgment tax on any lands in such town or city is unpaid or delinquent, make out and sign a notice in the following form:

Form of notice for tax sale.

COUNTY JUDGMENT TAX SALE.

Notice is hereby given that the undersigned, treasurer of the county of ———, will, on the first Tuesday of June next, at nine o'clock, A. M., and on each succeeding day at the same hour, until all are sold, sell so much of each tract or parcel of land in said county upon which the county judgment tax assessed during the last year has been returned as unpaid or delinquent, as may be necessary for the payment of the county judgment tax on such tracts or parcels of land, together with interest and charges thereon, unless the same shall be paid before such sale. Such sale will be at the office of the county treasurer, at the county seat of said county, where a list of said lands with the unpaid or delinquent county judgment tax may be seen.

Dated April 1, 18—.

———— ————

county treasurer of ——— county.

SECTION 10. The county treasurer shall cause such notice to be published in a newspaper printed in his county, once in each week for four successive weeks prior to the first Tuesday of June, and such treasurer shall also, at least four weeks previous to said day, cause to be posted up copies of said notice in at least four public places in each town and city in such county, and one copy shall be posted up in some conspicuous place in his office. Every printer who shall publish such notice, shall within three days after the last publication thereof, file in the office of such treasurer an affidavit of such publication. How notice shall be published.

SECTION. 11. On the day designated in the notice of sale, the county treasurer shall commence the sale of those lands on which the county judgment tax, interest and charges shall not have been paid, and shall continue the same from day to day (Sundays excepted), until so much of each parcel thereof shall be sold as shall be sufficient to pay the county judgment tax, interest and charges thereon; and all moneys received on such sales shall be paid into the county treasury. How sale to be made.

SECTION 12. Such sale for the non-payment of county judgment tax, interest and charges, shall in all respects be made and conducted in the same manner as sales for the non-payment of state, county and other taxes are required by law to be made, and a certificate of sale shall be issued to the purchaser in the same form and with the same effect as in the case of sale for state, county or other taxes, except that the certificate shall clearly state that the sale was made for the non-payment of county judgment tax, with interest and charges, and for no other tax. Provisions of other tax sales to apply to judgment tax sales.

SECTION 13. All the provisions of law in relation to the duties of county treasurer and clerk of the board of supervisors, in respect to the sale of lands for the non-payment of state, county or other taxes, or in respect to the redemption of such lands after such sale shall apply with the same force and effect to all sales made in pursuance of this act for the non-payment of any county judgment tax, or interest and charges thereon, and to the redemption of such land after such sale.

SECTION 14. All the provisions of law in relation to the execution of deeds for lands sold for the non-payment of state, county or other taxes, and which shall not be redeemed, shall apply with the same force and Execution of deeds to be the same.

effect to lands sold for the non-payment of county judgment taxes, and which shall not be redeemed, except that every such deed shall expressly recite the taxes for the non-payment of which the land therein described was sold were county judgment taxes; and no such deed shall be evidence of anything except the fact of its execution; and any person claiming title by virtue of such deed shall establish such title by common law evidence.

Repealed. SECTION 15. Section 24 of chapter 13 of the revised statutes, and all other acts and parts of acts in conflict with this act are hereby repealed.

SECTION 16. This act shall take effect and be in force from and after its passage.

Approved March 6, 1868.

CHAPTER 156.

[*Published March* 13, 1868.]

AN ACT to amend section seven of the general laws of 1867, entitled "an act to amend certain sections of chapter 155 of the general laws of 1863, entitled "an act to codify the laws of the [state] relating to common schools."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended. SECTION 1. Section seven of chapter one hundred and eleven of the general laws of 1867, is hereby amended by adding to said section, at the end thereof, as follows: "and any member of a district board in any school district in this state or any member of the board of education of any city or incorporated village of this state, in which a list of text books has been adopted according to the provisions of this section who shall, within three years from the date of such adoption, order a change of text books in such district, shall forfeit the sum of fifty dollars."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 6, 1868.

CHAPTER 157.

[*Published March* 13, 1868.]

AN ACT to amend section one of chapter 118 of the general laws of 1867, entitled "an act in relation to tax deeds."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter one hundred and thirteen of the general laws of 1867, entitled "an act in relation to tax deeds," is hereby amended by adding thereto as follows: "and in no case shall any tax deed be issued upon any tax certificate, except upon proof of the service of notice, as herein provided, or proof filed with such clerk that the land described in such certificate of tax sale was not occupied or possessed for the period of thirty days, as hereinbefore specified." Amended.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 6, 1868.

CHAPTER 158.

[*Published March* 14, 1868.]

AN ACT to amend chapter forty-five of the revised statutes, entitled of marks and brands and filing chattel mortgages.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. No mortgage of personal property hereafter executed, where the mortgager retains actual possession thereof, is valid against existing creditors or subsequent purchasers without notice, unless a written instrument conveying the same is executed, acknowledged, like conveyances of real estate, and filed for record in the office of the register of deeds of the county where the holder of the property resides. Conveyance of personal property must be filed with register of deeds.

Register to keep entry book.

SECTION 2. The register of deeds must keep an entry book or index for instruments of the above description, having the pages thereof ruled so as to show in parallel columns:

1. The mortgagor.
2. The mortgagee.
3. The date of the filing of the instrument.
4. The date of the instrument itself.
5. Its nature.
6. The page and book where the record is to be found.

Must note day and hour of filing.

SECTION 3. Whenever any written instrument of the charactar above contemplated is filed for record as aforesaid, the register of deeds shall note thereon the day and hour of filing the same, and forthwith enter in his entry book all the particulars required in the preceding section, except the sixth item thereof, and from the time of said entry and not before, shall the mortgage be deemed complete as to third person, and shall have the same effect as though it had been accompanied by the actual delivery of the property so mortgaged.

Shall record instrument.

SECTION 4. The register of deeds shall as soon as practicable record such instrument and enter in the entry book in its proper place, the page and book where the record may be found.

Repealed.

SECTION 5. Sections three (3), four (4), five (5), six (6), seven (7) and eight (8) of chapter forty-five (45) of the revised statutes, are hereby repealed.

SECTION 6. This act shall be in force and take effect from and after its passage and publication.

Approved March 6, 1868.

CHAPTER 159.

[*Published March* 13, 1868.]

AN ACT to amend sections thirteen (13), fourteen (14), fifteen (15), seventeen (17) and eighteen (18) of chapter thirty-four (34) [of the revised statutes,] entitled "of the relief and support of the poor."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section thirteen of chapter thirty-four, [of the revised statutes,] entitled "of the relief and support of the poor," is hereby amended by inserting the words "or who shall neglect or refuse to support or provide for such wife or children, the mayor of an incorporated city with the president of an incorporated village," or after the word "support" in the seventh line of said section thirteen. Amended.

SECTION 2. Sections fourteen, fifteen, seventeen and eighteen, of said chapter thirty-four, are hereby amended by inserting the words "mayor or president" after the word "support" whenever it occurs in said sections fourteen, fifteen, seventeen and eighteen.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 6, 1868.

CHAPTER 160.

[*Published March* 14, 1868.]

AN ACT in relation to claims against counties.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Any officer or other person having a demand or claim against any county for money or other thing, shall make out a statement thereof in writing, with his affidavit attached, that such statement is just Shall file statement with clerk of board.

and true, and file the same with the clerk of the board of supervisors of said county.

Clerk shall present claims.

SECTION 2. The clerk of the board of supervisors, shall, on the first day of any meeting of said board of supervisors of his county lay before said board all demands or claims against the county which have been filed in his office, together with a schedule of the same, showing the amounts and the order in which they were filed; and no claim or demand shall be acted upon or allowed by said board unless the same shall have been so filed.

Board shall audit all claims

SECTION 3. All demands or claims so filed with said clerk shall be acted upon by the board of supervisors, unless withdrawn by leave of the board, and shall be audited and allowed or disallowed in whole or in part, and the action or decision of the board upon any such claim shall be final and conclusive, unless an appeal shall have been duly taken therefrom, or such demand or claim shall have been withdrawn, as aforesaid.

SECTION 4. In every case when the amounts on any such demand or claim so audited and allowed by the board shall have been accepted and received by the party or person making such claim or demand, no further sum shall thereafter be allowed or paid thereon by order of such board of supervisors.

SECTION 5. It shall be lawful for any board of supervisors to audit and allow any demand or claim against the county, and to issue orders therefor, and to make provisions for the payment of the same.

SECTION 6. This act shall take effect and be in force from and after its passage.

Approved March 6, 1868.

CHAPTER 161.

[*Published March* 13, 1868.]

AN ACT to provide for holding special terms of the circuit court for Dodge county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. A special term or terms in addition to those now provided by law of the circuit court for Dodge county in said state shall be held for the transaction of any and all business not requiring the intervention of a jury, whenever the judge of the third judicial circuit shall deem it necessary and proper, and notice of the time of holding such special term shall be given by publishing a copy of the order of such judge directing the holding of the same in any newspaper printed and published in said county, for two successive weeks prior to the time fixed by such judge for holding such special term. Special terms may be held.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 6, 1868.

CHAPTER 162.

[*Published March* 12, 1868.]

AN ACT to amend section 19 of chapter 155 of the general laws of 1863, entitled "an act to codify the laws of this state relating to common schools."

The people of the state of Wisconsin, represented in senate and assembly do enact as follows:

SECTION 1. Section 19 of chapter 155 of the general laws of 1863, entitled "an act to codify the laws of this state relating to common schools," is hereby amended by adding to the sixth subdivison thereof the following words: "*and provided, further*, that in case any Amended.

district shall not at its annual meeting, or at a special meeting held subsequent to the annual meeting and prior to the third Monday of November, vote a tax sufficient to maintain a school in said district the ensuing year for the term of five months, then the district board shall have power, and it shall be their duty to estimate and determine the sum necessary to be raised to maintain such school; and the district clerk shall certify to the town clerk the amount thus determined upon, who shall assess the same as other district taxes are assessed. If when a district shall have failed to vote a tax for school purposes, any district board shall willfully refuse or neglect to estimate and determine a sum sufficient to maintain a school for five months as aforesaid, each member of the board thus refusing or neglecting shall be deemed guilty of a misdemeanor, and shall be liable to a penalty of not less than fifty nor more than one hundred dollars, or to imprisonment in the county jail not less than one month nor more than three months, and when any district board shall have estimated and determined the sum necessary to maintain a school for five months the ensuing year, any district clerk who shall willfully refuse or neglect to certify such sum to the town clerk in time to have the same embodied in the assessment roll for that year, shall be deemed guilty of a misdemeanor and shall be liable to a penalty of not more than one hundred dollars nor less than fifty dollars.

If district fail to vote tax, how to proceed.

Approved March 6, 1868.

CHAPTER 163.

[*Published March* 13, 1868.]

AN ACT to amend chapter one hundred and twenty-three (123) of the revised statutes, entitled "of the place of trial of civil actions."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section nine of chapter one hundred and twenty-three (123) of the revised statutes is hereby

amended and shall read as follows: "Section 9. When the place of trial shall be changed as provided in this chapter, it shall be changed to some county where the causes complained of do not exist, and no more than one change of the place of trial shall be awarded, except upon the written stipulation of the parties or their attorneys, or until one or more trials shall have been had in said county."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 6, 1868.

CHAPTER 164.

[*Published March* 14, 1868.]

AN ACT to amend section twenty-eight (28) of chapter thirteen (13) of the revised statutes, entitled of "counties and county officers."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section twenty-eight (28) of chapter thirteen (13) of the revised statutes, entitled "of counties and county officers," is hereby amended by adding at the end of said section 28 the following words: "*providing*, that when any of the special powers and duties conferred by said section 28 upon the county boards of supervisors shall be exercised by the legislature, it shall be a restriction upon the boards of supervisors so far as the legislature shall exercise such power." Amended.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 6, 1868.

CHAPTER 165.

[*Published March* 16, 1868.]

AN ACT to provide for the visitation of the state prison, and the charitable, benevolent and reformatory institutions of the state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Governor shall appoint visiting committee.

SECTION 1. The governor of the state shall, annually, before the first of December of each year, appoint a committee consisting of three, from the members elect and members holding over of the senate, and six from the members elect of the assembly, one from each congressional district, whose duty it shall be to visit the state prison, the state asylum for the insane, and all other charitable, benevolent and reformatory institutions, which are or may hereafter be under the control of the legislature of the state. The committee thus appointed shall be known as "the visiting committee of the state," and the governor of the state shall be, *ex officio*, a member of such committee.

When committee shall act.

SECTION 2. The committee shall meet at the city of Madison at such time in the month of December, in each year, as the governor shall appoint, and shall proceed to visit the institutions designated in the first section of this act, for the purpose of ascertaining the general conduct of such institutions and of making estimates of the amounts required for their maintenance during the fiscal year.

Shall make report to legislature.

SECTION. 3. Said committee shall, during the first week of the ensuing session of the legislature, after their appointment, make thereto a detailed report of the existing condition of all institutions thus examined, and of the amounts necessary to be apportioned for their maintenance for the coming fiscal year. Such report shall state in detail the estimated amount required for every specific purpose necessary to be provided for, whether for building, salaries of officers, provisions, or other purposes.

Shall draft appropriation bills.

SECTION 4. Accompanying such reports shall be bills providing for carrying into effect the recommendations of the committee. Such bills may be numbered and printed, and introduced in either branch of

the legislature that the committee may direct, within the time mentioned in section three of this act. If, in the judgment of the legislature, the amount estimated by the committee for any institution, shall be deemed too high, it may be lowered, or if too low it may be raised.

SECTION 5. All laws or parts of laws that contravene the provisions of this act are hereby repealed.

SECTION 6. This act shall take effect and be in force from and after its passage.

Approved March 6, 1868.

CHAPTER 166.

[*Published March* 13, 1868.]

AN ACT relating to fees of jurors.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Fees and mileage of jurors.

SECTION 1. Each grand and petit juror, except talesmen, shall be entitled to two dollars for each day's attendance upon any circuit court, and six cents for each mile traveled, in going and returning by the most usual route, to be paid out of the treasury of the county, by the treasurers thereof, on the certificate of the clerk of the court: *provided*, that the provisions of this act shall not apply to the county of Milwaukee.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 6, 1868.

CHAPTER 167.

[*Published March* 13, 1868.]

AN ACT to provide for judgments against corporations which have been indicted.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Jxdgm'nts may be entered against corporations.

SECTION 1. Whenever any corporation which may hereafter be indicted under the common law, or any statute of this state, shall fail to appear after notice of such indictment given and served by leaving a true copy of such indictment with the president, secretary, agent or attorney of such corporation, and twenty days shall have elapsed thereafter, its default shall be recorded and the charges in the indictment shall be taken to be true, and judgment shall be rendered accordingly.

Court may issue warrant.

SECTION 2. Whenever judgment shall be rendered on default as aforesaid, or upon verdict in case of an appearance, the court having jurisdiction of the case, may issue a warrant to enforce the execution of such judgment, and to collect any fine or penalty adjudged, together with all costs and lawful interest by distress and sale of the property of such corporation.

SECTION 3. This act shall take effect from and after its passage and publication.

Approved March 6, 1868.

CHAPTER 168.

[*Published March* 16, 1868.]

AN ACT to authorize certain counties, towns and villages to aid in the construction of a railroad between Manitowoc and the Mississippi river.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Counties may levy tax to aid railroad.

SECTION 1. It shall be lawful for the proper officers of any county through any portion of which any part of a railroad from Manitowoc, in the county of Manitowoc, to the Mississippi river, shall run, or any town or incorporated city or village in such county, to levy a tax upon all the taxable property in such county, town, incorporated city or village, to aid in the location and construction of any portion of such road, and for the purchase of depot grounds and right of way, and for like purpose to issue the bonds of any such county, town, incorporated city or village, in such sum or sums and upon such terms and conditions as shall be agreed upon by and between such county, town, incorporated city or village, and any railroad company now or that may hereafter be authorized to construct such road; but no such tax shall be levied, nor bonds issued by any such county, town, incorporated city or village, unless a majority of the legal voters of such county, town, incorporated city or village, voting on the question shall first have voted in favor of such tax or the issuing of such bonds, in the manner hereinafter provided.

Company to make proposition.

SECTION 2. Whenever such railroad company shall require aid from any such county, town, incorporated city or village, it shall make and deliver to the clerk of the board of supervisors of such county, the town clerk or clerk of such incorporated city or village, as the case may be, a definite proposition in writing, signed by the president or secretary of said railroad company, and sealed with the common seal of said company, which proposition shall contain a distinct statement of the amount of money or bonds desired, and the terms and conditions and considerations upon which the same will be required to be paid and delivered to said rail-

Town and city clerks to give notice of election.

road company. Upon receiving such definite proposition, the clerk of the board of supervisors of such county, the town clerk or clerk of such incorporated city or village, as the case may be, shall within ten days, publish or cause to be published a notice of an election to be held by the legal voters of such county, town, incorporated city or village, at the usual place or places of holding elections in such county, town, incorporated city or village, and at such time as he may designate, which shall not be less than twenty nor more than thirty days from the date of such notice, which notice shall contain a full statement of the proposition made by said railroad company, and shall call upon the voters to deposit a ballot upon which shall be written or printed the words, "for the railroad proposition," or the words, "against the railroad proposition."

How election to be conducted.

SECTION 3. Such election shall be held and conducted in the same manner that other general elections in such counties, towns, incorporated cities or villages are by law required to be held and conducted, and the votes cast at such election shall be counted, canvassed and returned in the same manner as the votes at any such general election; and the canvassers shall make, certify, sign and deposit with the clerk of such county, town, incorporated city or village, a statement of the whole number of votes cast upon the question, as well as a statement of the number for the railroad proposition, and of the number against the railroad proposition; and such certificate shall be conclusive evidence of the fact as to the number of votes cast for or against such proposition, and also of the fact that such election was regularly held and conducted according to law.

If question carried, tax to be levied or bonds to be issued.

SECTION 4. If a majority of the legal voters who shall vote on the question at any election to be held in any such county, town, incorporated city or village, in pursuance of the provisions of this act, shall, as indicated by the official returns of any such election, vote "for the railroad proposition," it shall be the duty of the proper officers in every such county, town, incorporated city and village, to cause said tax or bonds so voted to be raised or issued, and to be levied and collected or issued, and to be paid over or delivered to the said railroad company, on the performance by said company of the terms and conditions contained in such railroad proposition.

SECTION 5. For the purpose of giving effect to the provisions of this act, the proper officers of every county, town, incorporated city and village mentioned in this act, are hereby declared to be the chairman of the county board of supervisors and the clerk of the board of supervisors in each county, the chairman of the board of supervisors and the town clerk in each town, the mayor and city clerk of such incorporated city, and the president and clerk of each incorporated village. How to give effect to act.

SECTION 6. The tax authorized by this act shall be levied, assessed and collected in the same manner and form as other taxes are levied, assessed and collected in such county, town, incorporated city or village, and shall when collected be paid over to said railroad company by the treasurer of such county, town, incorporated city or village, as the case may be, on the certificate of the chairman of the board of supervisors of such county or town, or the mayor or president of such incorporated city or village, that the said railroad company has performed all the terms and conditions of the proposition under which such tax was voted, levied, assessed and collected; and such treasurer shall give additional bonds, to be approved in the usual manner, in double the amount of the tax so to be collected by him, conditioned that he will faithfully pay over such tax as required by this act; and the bonds hereby authorized to be issued, shall be issued by such officers in such amounts, and with such rate of interest, and upon such time, and delivered to such railroad company as shall have been agreed upon between such county, town, incorporated city or village. Tax to be levied same as other taxes.

SECTION 7. All shares or the capital stock of the bonds or other securities given by said railroad company to any county, town, incorporated city or village, may be taken, held, sold and transferred by such county, town, incorporated city or village in the same manner and with like effect as can be done by individuals, and upon such terms and conditions as shall have been agreed upon between such county, town, incorporated city or villge and the said railroad company. Shares may be held by counties, towns or cities.

SECTION 8. Whenever any county, town, incorporated city or village shall issue any bonds, it shall be the duty of the proper officers of such county, town, Tax to be levied to pay interest.

incorporated city or village to levy annually upon the property thereof as aforesaid, a tax sufficient to pay the interest upon such bonds and raise a sinking fund to pay the principal thereof when the same shall become due and payable.

SECTION 9. This act shall take effect and be in force from and after its passage.

Approved March 6, 1868.

CHAPTER 169.

[*Published March* 14, 1868.]

AN ACT creating a state board of examiners to issue state certificates of high grade to teachers of eminent qualifications.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follow:

May grant state certificate.

SECTION 1. The state superintendent of public instruction is hereby authorized to grant state certificates to teachers, in the manner hereinafter provided.

Superintendent shall appoint examiners.

SECTION 2. The state superintendent shall, before each examination held under the provisions of this act, appoint three competent persons, residents of this state, who shall constitute a board of examiners and who shall, under rules and regulations, to be prescribed by the said superintendent, thoroughly examine all persons desiring state certificates in the branches of study in which applicants are now required to be examined by county superintendents for a first grade certificate, and in such other branches as the state superintendent and said examiners may prescribe.

If applicant is qualified, superintendent shall issue certificate

SECTION 3. If the examiners shall be satisfied that an applicant possesses the requisite scholarship in all the branches of the study before mentioned, they shall certify the fact to the state superintendent, and if such applicant shall furnish evidence of good moral character, experience and success in teaching, satisfactory to said superintendent, he shall thereupon issue to such applicant a certificate which shall be valid until revoked

and which shall qualify the holder to teach in any public school in any city, town or school district of this state, without any further examination by a city or county superintendent, or any other person or board whatsoever.

May revoke certificate.

SECTION 4. Said certificate may be revoked by the state superintendent for incompetency or immoral conduct: *provided*, that before any such revocation, the holder shall be served with a written statement of the charges against him, and shall have an opportunity for defense.

When meeting of examiners to be held.

SECTION 5. A meeting for the examination of applicants for state certificates shall be held at the capitol in the city of Madison, on the second Wednesday of August in each year; and additional meetings may be held at such times and places as the state superintendent shall prescribe.

Pay of examiners.

SECTION 6. All moneys actually and necessarily expended by each member of the board of examiners in attending meetings for the examination of teachers, shall be refunded to him and he shall also receive three dollars per day for all time actually and necessarily spent in holding said meetings, or in going to or returning from the same. Accounts for such services and expenses shall be audited by the secretary of state; and there is hereby appropriated out of any money in the state treasury, not otherwise appropriated, a sum sufficient to pay the amounts thus audited.

Certificates to be recorded.

SECTION 7. The state superintendent shall record in a book kept for that purpose the date of each certificate issued, and the name, age and residence of the person to whom it was granted, and he shall file in his office for permanent preservation all papers relating to the examination of applicants for state certificates.

Approved March 6, 1868.

CHAPTER 170.

[*Published March* 14, 1868.]

AN ACT to amend section 28 of chapter 13 of the revised statutes, entitled "of counties and county officers."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. First subdivision, section 28, of chapter 13 of the revised statutes, is hereby amended so as to read as follows: "To set off, organize, vacate and change the boundaries of towns in their respective counties, designate and give names thereto, the time and place of holding the first election therein, and make all necessary orders for the disposition and preservation of the records and papers of any town which may be vacated by such board: *provided*, that no town shall be vacated unless a majority of the votes of all the members of the board shall so decide; *and provided further*, that no town in any county of this state shall be divided, or any part stricken therefrom, so as to make its area less than thirty-six sections, according to the United States survey, without first submitting the question to a vote of the legal voters of the town, not unless a majority of all residing in such town shall vote for the same."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 6, 1868.

CHAPTER 171.

[*Published March* 14, 1868.]

AN ACT to amend chapter 126, general laws of 1867, entitled "an act authorizing the establishment of a board of immigration."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended. SECTION 1. Chapter 126, general laws of 1867, entitled "an act authorizing the establishment of a board of immigration," is hereby amended so as to read as follows: There shall be a board of immigration in this state, which shall be composed of eight (8) members.

Who shall be members of board. SECTION 2. The governor and secretary of state shall be *ex officio* members of this board, and the other six (6) members shall be appointed by the governor, but not more than one shall be appointed from each congressional district.

A committee for each county. SECTION 3. The governor, with the approval of the board, shall have authority to appoint in each county a committee, consisting of three members, to assist the board of immigration in the performance of their duties.

SECTION 4. The governor shall have the power to remove any of the members of said committee, and to appoint others in their place.

Duty of committee. SECTION 5. It shall be the duty of the county committee to make out duplicate lists of the names and postoffice address of such friends and relatives of the inhabitants of their respective localities as are living in the eastern states and in Europe, and to retain one list and send the other list to the secretary of the board of immigration.

Pamphlets to be forwarded to committee. SECTION 6. The secretary of the board shall forward to the county committees a sufficient amount of pamphlets to supply all the persons named in the foregoing list, with postage sufficient to carry them to their final destination, and the county committee shall forward the pamphlets by mail to the persons named in their lists, or use other means to distribute said pamphlets, if deemed best.

SECTION 7. The county committees shall act under the instruction of the board, and shall from time to time make reports to the secretary of the board.

SECTION 8. The board shall make reports to the legislature at their annual sessions.

Board may adopt rules.

SECTION 9. The state board of immigration shall adopt such rules and regulations, not inconsistent with this act, as are best calculated to diffuse correct information of the advantages of this state to immigrants, and to effect the design of this act.

May advertise for pamphlets and give premiums.

SECTION 10. It shall be the duty of the board of immigration, if they deem it advisable, to advertise from time to time for the composition of a pamphlet, calculated to give all useful information concerning this state, and explaining the advantages which this state offers to immigrants, offering a premium of not more than two hundred dollars for the best pamphlet, and not more than one hundred dollars for the second best pamphlet, as shall be determined by the board.

Shall hold copy right.

SECTION 11. The copy-right of the best and second best pamphlets shall vest, after such determination, in the state, and the board shall cause to be printed the best pamphlet, and such portions of the second best pamphlet as they deem fit, in the form of one pamphlet, in the English, German, French, Welsh and Norwegian language respectively, by the lowest responsible bidder.

May publish articles in newspapers.

SECTION 12. The board of immigration shall have power to disseminate information by the publication of suitable articles in newspapers and periodicals in the eastern states, Canada and Europe: *provided*, with such newspapers and periodicals as will print such communications free of charge. The board may allow reasonable compensation for the composition and transmission of such communications.

Committee may publish information.

SECTION 13. The county committee shall have the right, when so ordered by the board of supervisors of such county, to cause to be printed information setting forth the advantage of their county and localities therein, and to have such printed information attached to and forwarded by mail with the pamphlets sent to their county, which shall be chargeable against said county.

No compensation to be allowed.

SECTION 14. Neither the officers of the board nor the county committees named in this act, shall receive any compensation for their services.

SECTION 15. There shall be annually appropriated out of the general fund, not otherwise appropriated, a sum not exceeding three thousand dollars, ($3,000,) to be drawn upon order of the governor, and to be applied exclusively to pay the expenses incurred under this act for composing and printing circulars, for advertising, for postage, and for forwarding printed matter, and for other incidental and necessary expenses. Appropriation.

SECTION 16. Printed copies of this act, and of all rules and regulations of the board, shall be forwarded by the board to the country [county] committee. Copies of this act to be sent to county committees.

SECTION 17. This act shall take effect and be in force from and after its passage.

Approved March 6, 1868.

CHAPTER 172.

[*Published March* 14, 1868.]

AN ACT to amend section 41 of chapter 86 of revised statutes, concerning releases of mortgages.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section forty-one of chapter eighty-six of the revised statutes is hereby amended by adding to the end of said section, "and whenever a mortgage shall have been foreclosed by an action in the circuit court, and the judgment and costs in such action shall have been paid and satisfaction shall have been entered on the docket of such judgment in the office of the clerk of the circuit court, it shall be lawful for the register of deeds, on production to him of the certificate of the clerk of such court, certifying the fact of such judgment of foreclosure, the docketing thereof in his office, the payment of such judgment and costs, and entry of satisfaction upon the docket of such judgment, to note on the margin of the record of such mortgage in his office the following words: 'This mortgage foreclosed in circut court, judgment docketed therein, and Amended. When register may enter satisfaction of mortgage.

has been fully paid and satisfaction entered,' and such entry shall have the same effect as a deed of release duly acknowledged and recorded."

SECTION 2. This act shall be in force from and after its passage.

Approved March 6, 1868.

CHAPTER 173.

[*Published March* 13, 1868.]

AN ACT to repeal chapter one hundred and thirty-seven, of general laws of 1867, entitled "an act in relation to county superintendents of the poor."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Not to apply to Fond du Lac.

SECTION 1. Chapter one hundred and thirty-seven of the general laws of 1867, entitled "an act in relation to county superintendents of the poor," shall not apply to the county of Fond du Lac.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 6, 1868.

CHAPTER 174.

[*Published March* 13, 1868.]

AN ACT to provide for establishing town libraries in this state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May establish town library.

SECTION 1. Any town within this state is hereby empowered to establish a town library, for the use of the (*said*) people of said town. The vote for said purpose shall be taken by ballot, and a majority of all the

votes cast shall be requisite to the establishing of said town library. The affirmative ballots shall read "for town library," and the negative ballots shall read "against town library."

May elect librarian.

SECTION 2. Such town, at its annual meeting is hereby empowered to elect, in each year, a librarian, who may hold his office for one year, or until his successor is elected or appointed and qualified. Whenever a vacancy in said office shall occur from any cause, the town board of supervisors are hereby empowered to fill such vacancy by appointment.

May make rules for library.

SECTION 3. Such town is hereby empowered to make all by-laws, rules and regulations pertaining to such town library. In case the town does not make by-laws, rules and regulations, as aforesaid, it shall be the duty of the librarian, under the advice of the town board of supervisors, to do the same.

District may donate books.

SECTION 4. Any school district may donate or sell any book or books belonging to the said district library, to the town in which it is situated, to form a part of the town library.

Town may raise money.

SECTION 5. For the purpose of purchasing books, furnishing a place to keep them and for paying the librarian for his services, the town may raise a sum of money, not to exceed one hundred and fifty dollars in any one year, such sum to be expended under the direction of the town board of supervisors.

Librarian to execute bonds.

SECTION 6. For performing the duties of his office, the librarian may be required to execute a bond, to be approved by the town board of supervisors, in such sum as they may deem necessary.

SECTION 7. This act shall take effect and be in force from and after its passage.

Approved March 6, 1868.

CHAPTER 175.

[*Published March* 13, 1868.]

AN ACT to amend section 124 of chapter 155 of the general laws of 1863, entitled "an act to codify the laws of this state relating to common schools."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section 124 of chapter 155 of the general laws of 1863, is hereby amended by adding to said section, at the end thereof, the words following viz:

District officer may be removed, and how

"and any school district officer may, for willful neglect of any duty, be removed from office by the county judge of the county in which such school district officer shall reside. The application for such removal shall be by written petition of a majority of the legal voters of said school district in which such officer resides, or of any person aggrieved by such neglect of duty. Such petition shall contain a full statement of all charges preferred against such officer, and a copy of said petition, together with a notice of the time and place (within said county), when and where a hearing upon such petition will be had before the county judge, shall be served upon said school district officer at least ten days before such hearing. Upon the hearing, the officer so proceeded against, shall have full opportunity to be heard in his own defense, and the county judge shall have authority to administer oaths to witnesses offered in relation to the charges in such petition, and upon satisfactory proof of such neglect of duty, may, by order under his hand, remove such school district officer from his office, and in case of removal shall forthwith file such order in the office of the town clerk of the town in which the district affected by said order is situated, and shall also forthwith cause a copy of such order to be served upon each of the remaining officers of such district. And the person so removed from office shall not be appointed under section 50 of this chapter to fill the vacancy occasioned by such removal.

Pay of county judge.

SECTION 2. For all service performed under the provisions of this act the said county judge shall receive

from the county treasurer the sum of three dollars for each day actually employed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 6, 1868.

CHAPTER 176.

[*Published March* 14, 1868.]

AN ACT to amend section 2, chapter 134 of the general laws of 1858, entitled "of evidence."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2 of chapter 134 of the general laws of 1858, entitled "of evidence," is amended so as to read as follows: "A party to any civil action or special proceeding in any and all courts, and before any and all tribunals, and before any and all officers acting judicially may be examined as a witness on his own behalf or in behalf of any other party in the same manner and subject to the same rules of examination as any other witness: *provided*, that the assignor of a thing in action shall not be examined on behalf of said party, nor shall a party to an action be examined in his own behalf in respect to any transaction or communication had personally by said assignor or said party, respectively with a deceased person against parties who are the executors, administrators, devisees, heirs at law, next of kin or assignees of such deceased person, where they have acquired title to the cause of action immediately from said deceased person, or have been sued as such by the executors, administrators, devisees, heirs at law, next of kin or assignees. But where such executors, administrators, devisees, heirs at law, next of kin or assignees, (*but where such executors, administrators, devisees, heirs at law, next of kin, or assignees*) shall be examined on their own behalf in regard to conversation or transaction had between the deceased person or said assignor or said party respectively, and

Amended.

Party examined in his own behalf.

Proviso.

where the cause of action a [or] defence arose out of transactions with an agent of the deceased, and not with the deceased personally, and such agent be living and a witness, then the said assignor or the said party may be examined in regard to such conversation or transaction, but not in regard to any other matter; *and be it further provided*, that whenever in any action brought by or against any executor, administrator, devisee, next of kin, heirs at law, or assignee of any deceased person, a witness shall be called to establish any declaration, conversation, admission or transaction between such witness and the party prosecuting or defending in his own right, then and in all such cases, such party so sought to be charged may be examined in his own behalf touching such declaration, conversation, admission or transaction, the same as he might have done, had the opposite party brought or defended the action in his own right and not in a representative capacity, but not in regard to any new matter; but if the testimony of a party to the action or proceeding has been taken and he shall afterwards die, and after his death the testimony so taken shall be used upon any trial, or hearing in behalf of his executors, administrators, devisees, heirs at law, next of kin or assignees, the other party or the assignor of a thing in action shall be a competent witness as to any and all matters to which the testimony so taken relates, notwithstanding anything in this section to the contrary thereof.

SECTION 2. All acts and parts of acts contravening the provisions of this act (*is*) so far as the same are in contravention of the provisions hereof are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passsage.

Approved March 6, 1868.

CHAPTER 177.

[*Published March* 16, 1868.]

AN ACT to revise and amend chapter 50 of the revised statutes, entitled "of hawkers and peddlers."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Peddlers shall obtain license.

SECTION 1. No person shall be allowed to travel from place to place within this state, for the purpose of carrying to sell or exposing to sale any goods, wares or merchandise, or for the purpose of selling or offering to sell any patent right, territory for the sale, use or manufacture of patent rights or articles, unless he shall have obtained a license as a hawker or peddler in the manner hereinafter provided.

SECTION 2. Every person desiring to obtain a license as a hawker or peddler, shall apply to the secretary of state, through the treasury agent, and shall deliver to him a note in writing, signed by such applicant, or his authorized agent, and stating in what manner the applicant intends to travel and trade, or solicit trade, whether on foot or with one or more horses or other beasts of burden, or by railroad, or in any manner for the purpose of soliciting trade by sample or otherwise.

Amount of duties for license.

SECTION 3. Every such applicant, before he shall be entitled to such a license, shall pay into the state treasury the following duties: if he intends to travel on foot, the sum of five dollars; if he intends to travel and carry his goods with a single horse or other beast carrying or drawing a burden, the sum of fifteen dollars; if he intends to travel with any vehicle or carriage drawn by two horses or other animals, the sum of forty dollars; and if he intends to travel with more than two horses, or other animals drawing any sort of carriage, the sum of fifty dollars; if he intends to travel by railroad, steamboat or any other public conveyance, the sum of fifty dollars; and if he intends to travel in any manner, for the purpose of taking or soliciting orders for goods, wares or merchandize, by sample, lists, catalogues, or otherwise, the sum of twenty-five dollars.

Venders of patent rights to obtain license.

SECTION 4. All persons selling or offering for sale, patent rights, or territory for the sale, use or manufacture of patent rights or articles not included in section one of this chapter, shall procure a license as a patent right dealer, in the same manner as hereinbefore provided for hawkers and peddlers. And every such applicant before he shall be entitled to such license shall pay into the state treasury the following duties: If he shall have any interest in, or offer for sale the whole or any part of the state greater than one-half, the sum of twenty dollars; and if he shall have any such interest in or offer for sale territory equal to one-half the state or less, the sum of ten dollars.

Amount.

Secretary of state to grant license.

SECTION 5. It shall be the duty of the secretary of state upon the payment of his fees, to grant to every such applicant, upon the delivery of the notice above required and the receipts of the state treasurer, showing the payment of the proper duties into the state treasury, a license under his seal of office, and signed by himself, authorizing such applicants to travel and trade, or solicit trade within this state, as a hawker and peddler, in the manner stated in the notice, for the term of one year from the date of the license: *provided, however*, that if it shall appear that if the applicant is to prosecute business thereunder only for a portion of a year, said license may be issued for such portion of the year, but for not less than six months.

Penalty for violation.

SECTION 6. Every peron who shall be found traveling and trading, or soliciting trade, or selling or offering to sell patent rights or territory for the sale, use or manufacture of patent rights or articles within this state, contrary to the provisions of this chapter, or contrary to the terms of any license that may have been granted to him as a hawker or peddler or patent right dealer, shall for such offence forfeit the sum of twenty-five dollars.

Justice may issue warrant.

SECTION 7. Any justice of the peace, upon complaint being made, shall give his warrant for the apprehension of any person who shall be found trading or soliciting trade as a hawker or peddler or patent right dealer without license, or contrary to the terms of his license, in violation of the provisions of this chapter.

How to collect penalty.

SECTION 8. It shall be the duty of such justice, if a sufficient license to authorize such business be not produced to him, and the fact of such trading or busi-

ness be proved to him, either by the confession of the person so apprehended, or the oath of competent witnesses to convict the offender of such offense against this chapter as shall be so confessed or proven, and to issue his warrant on such conviction, directed to some constable or policeman of the county in which the conviction shall be had, commanding such constable or policeman to cause the sum of twenty-five dollars, with costs not to exceed five dollars, to be forthwith levied by distress and sale at public vendue, of the goods, wares and merchandise of the offender.

No costs to be allowed defendant if he refuse to produce license.

SECTION 9. In every case of prosecution against any person for the recovery of any penalty given in this chapter, no costs shall be allowed to the defendant if it shall appear that before the commencement of the prosecution, such defendant had refused to produce his license when lawfully required, nor in such case shall the defendant be entitled to maintain any action against the person prosecuting him, or the constable or other persons by whom he may have been apprehended, or the justice issuing any warrant or other process against him, or before whom he may have been tried for any of their acts in so prosecuting, apprehending or trying him.

Action for penalty must be brought within one year.

SECTION 10. No action or prosecution for the recovery of any penalty imposed by the provisions of this chapter shall be maintained unless it shall appear that the same was brought within one year after the commission of the offense charged.

Not to authorize sale of obscene books.

SECTION 11. This chapter shall not authorize the sale of or the traveling for the purpose of carrying to sell any immoral or obscene book, paper or pamphlet.

Manufacturers, etc., may sell their own productions without license.

SECTION 12. Nothing contained in this chapter shall be construed so as to prevent any manufacturer, mechanic or nurseryman, residing in this state from selling his own work or production, manufactured or grown in this state, by sample or otherwise without license; nor shall any patent right dealer, who is a citizen of this state, be required to take out a license to sell his own invention; nor shall any wholesale merchant have [having] a regular place of business in this state, be prevented, by anything herein contained, from selling by sample without license; but no merchant shall be allowed to peddle, or to employ others to peddle, goods not his own manufacture without the license in this chapter provided; nor shall any person traveling on

foot or by railroad, canvassing for or selling books, pamphlets, papers or maps, be required to take out a license in this chapter provided.

Duty of treasury agent.

SECTION 13. It shall be the duty of the treasury agent as provided in chapter 176 of the general laws of 1867, to superintend and enforce the provisions of this chapter; and such treasury agent or his assistant shall, when there is reasonable ground to suppose that such license fees as are required by any law of this state to be paid into the state treasury, may become otherwise uncollectable, seize and detain any vehicle, or any animals attached thereto, or any of the goods, wares or merchandise conveyed by such vehicle, until the process provided in sections 7, 8 and 9 of this chapter may be issued and served, but the said agent shall exercise due diligence in procuring such process to be issued and served.

State license to exempt from town license.

SECTION 14. Any person having a license from the secretary of state, under the provisions of this chapter, shall be exempt from any further license from towns, villages or cities in this state during the continuance of said license.

Repealed.

SECTION 15. Chapter 50 of the revised statutes and all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SECTION 16. This act shall take effect and be in force from and after its passage and publication.

Approved March 6, 1868.

CHAPTER 178.

[*Published March* 14, 1868.]

AN ACT to authorize certain towns to transfer moneys from the general fund to the school fund.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May transfer general fund to school fund.

SECTION 1. The boards of supervisors of those towns which have not raised, by order of the county boards of supervisors, a sum sufficient to entitle them to an

apportionment of school moneys for the year 1868, are hereby authorized and directed to transfer from the general fund to the school fund of their respective towns, the amounts in which said towns are deficient; and upon the receipt by the state superintendent of public instruction of the certificate of any town clerk that the requisite amount has been thus transferred, he shall apportion to said towns the full sum of school moneys to which such towns would have been entitled, provided, the county boards of supervisors had levied upon such towns the amounts required by law.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 3, 1868.

JOINT RESOLUTIONS.

NUMBER 1.

JOINT RESOLUTION declaring it to be the duty of the general government to protect American citizens in the enjoyment of all their rights as such while sojourning in foreign countries.

Resolved by the senate, the assembly concurring, That it is the duty of the United States government to define and declare authoritively the rights and duties of the citizens thereof temporarily sojourning in foreign countries, and to protect and defend all classes of her citizens, in the full enjoyment of their rights thus defined and declared, against all infringements thereof by the governments of the countries in which they may be so temporarily sojourning, by every means within its power; that the principle derived from the feudal system that the masses of the people belong to the government under which they were born, contended for by the monarchical governments of Europe, by asserting and seeking to enforce the doctrine, "once a subject always a subject," is repugnant to the dictates of enlightened civilization, and opposed to the rights and best interests of mankind; that expatriation is one of the inalienable rights of man, and from the time when any foreign citizen or subject renounces his former allegiance and becomes domiciled in this country, with the intention, in good faith, to become a citizen of the United States, he should be regarded, during the continuance of such domicile, as invested with our national character and entitled to the protection of our national government; that no distinction should be tolerated between native born and duly naturalized citizens of the United States in regard to their immunities and privileges in foreign countries, and that a naturalized citizen of the United States, temporarily sojourning within the dominions of his former sovereign, can only be compelled to enter the military service or

otherwise support the government of such former sovereign to the same extent, and under the same circumstances, as might be required of a native born American citizen thus temporarily domiciled in such foreign country.

Resolved, That the governor is hereby requested to transmit a copy of these joint resolutions to the president of the United States, the secretary of state of the United States, and to each of our senators and representatives in congress.

Approved January 22, 1868.

NUMBER 2.

JOINT RESOLUTION for a further grant of the public lands to aid in building the Sturgeon bay and lake Michigan ship canal.

WHEREAS, The state of Wisconsin, whose eastern boundary resting on lake Michigan, her northern boundary on lake Superior, the head of the great chain of lakes, and her western boundary on the Mississippi river, is therefore deeply interested in improving the lines of communication across the state, which open new and shorter channels for the commerce of the great west on its way to lake ports and the sea board; and

WHEREAS, The great lumber region of Green Bay in the article of lumber alone, produces annually about three hundred million (300,000,000) feet of that important product, employing a large fleet of vessels in freighting it to Chicago and other lake ports, added to which the iron ore from lake Superior, now brought to the shores of Green Bay for shipment, the grain shipments and the shipments of various products of the forest, in the aggregate make up an enormous traffic, all of which has now to seek its way out of Green Bay into lake Michigan, through the dangerous channels among the islands at "Death's Door;" and

WHEREAS, This dangerous navigation, so fatal in its results, can be avoided, and a distance of about two hundred (200) miles saved in each voyage by cutting a ship canal from the head of Sturgeon bay into lake Michigan, across the portage at the base of the peninsula, which when built will open up a commodious and land-locked harbor of refuge on the west shore of the lake for the deepest draught vessels, a haven much needed by the entire shipping of the lakes at that point,

for the protection of life and property from the terrible storms that frequently sweep over those inland seas;

Resolved, by the assembly, the senate concurring, That the construction of a ship canal from the head of Sturgeon bay to lake Michigan, across the portage, is worthy of the earnest attention of congress, as being a measure of great public usefulness, worthy of our encouragement and designed to promote the general welfare of the shipping and commercial interests.

Resolved, That our senators and representatives in congress be requested to aid, by all judicious and wise measures, and by a further grant of public lands, such as their judgment may approve, the speedy completion of the Sturgeon bay and lake Michigan ship canal.

Resolved, That the governor be, and he is hereby requested, to forward to each of our senators and representatives in congress, a copy of the foregoing preamble and resolutions for presentation to the congress of the United States.

Approved February 8, 1868.

NUMBER 3.

JOINT RESOLUTION for printing president Chadbourne's address.

Resolved by the senate, the assembly concurring, That one thousand copies of the address delivered by president Chadbourne, of the state university, before both houses of the legislature and the state historical society, on the 30th instant, be printed for the use of the legislature, and five hundred copies for the use of the state historical society.

Approved February 8, 1868.

NUMBER 4.

JOINT RESOLUTION relative to a grant of lands to aid in the construction of the Minnesota and Missouri river railroad, in Dakota territory.

Resolved by the senate, the assembly coucurring, That our senators in congress be instructed, and our representatives requested, to lend all their aid and influence in procuring a grant of land from the general government, to aid in building, constructing and completing the Minnesota and Missouri river railroad from the western boundary of the state of Minnesota, at a point near Sioux Falls, to Yankton, the capital of Dakota territory, on the Missouri river.

Approved February 15, 1868.

NUMBER 5.

JOINT RESOLUTION inviting the state officers and legislature of the state of Minnesota to visit the capital of Wisconsin during the session of the present legislature.

WHEREAS, The capital of our state is now connected by continuous railway communication with the capital of our sister state, Minnesota, therefore affording additional means for the interchange of friendly intercourse, and the promotion of common interests between the people of the two states, and

WHEREAS, A more extended personal acquaintance between the citizens of the two states, affording opportunities to compare thoughts and feelings would tend to the development of mutual interests and the general prosperity of each; therefore,

Resolved by the senate, the assembly concurring, That we hereby extend to the state officers and members of the legislature of the state of Minnesota, a cordial invitation to visit the legislature of Wisconsin, at the capital, at Madison, at such time during the present session thereof as may suit their convenience.

Resolved, That the governor be requested to forward a copy of these resolutions to each state officer, and to the presiding officer of each house of the legislature of the state of Minnesota.

Approved February 15, 1868.

NUMBER 6.

JOINT RESOLUTION extending the time for the reception of new business and the final adjournment of the legislature.

Resolved by the senate, the assembly concurring, That the time for the reception of new business,as limited by joint resolution No. 5, S., is hereby extended until the 29th instant, and that the day for the final adjournment of the legislature is hereby extended until the 4th day of March next, and that the legislature will adjourn *sine die* on that day at 11 o'clock A. M.

Approved February 15, 1868.

NUMBER 7.

JOINT RESOLUTION requesting the American minister at London to procure the British patent office reports for the state historical society.

Resolved by the senate, the assembly concurring, That the Hon. Charles Francis Adams, our American minister to England, be respectfully requested to use his good offices with the British government to obtain the grant of a set of the British patent office reports for the state historical society of Wisconsin.

Resolved, That the governor be requested to transmit a copy of these resolutions to the American minister at London immediately.

Approved February 21, 1868.

NUMBER 8.

JOINT RESOLUTION defining the duty of the nation towards its native and adopted citizens.

WHEREAS, The United States of America, as an independent nation, has a constituted government, a national flag, an

army and navy, and national representatives at home and abroad; under their protection the American citizen, whether native or foreign born, should be safe against outrage and violence in every part of the earth; and it is the verdict of the American people, the only sovereigns in this republic, that the citizens can and must and shall be protected everywhere, and at all times, in everything that is justified by equitable laws; and the original design of this government, always to protect its lawful citizens at all times and in all places, has been constantly kept in view by our people; therefore

Resolved by the assembly, the senate concurring, That it is the duty of the government of the United States to speedily inquire into and ascertain if American citizens are now, or have heretofore been, unjustly imprisoned or in any way restrained of their liberty by any foreign nation; or been unjustly tried and convicted of pretended offences; and if so, to demand that they be restored to all their rights as American citizens; and to further demand that they receive full indemnification for all the wrongs they have suffered. And if any foreign government attempts to enforce her claims, and to require allegiance of the American citizen, whether foreign or native born, the duty of our government is plain. It must show emphatically the reasons of its position. It must show that the persons in question are admitted by our laws to be citizens and voters, and that to acknowledge the demand of any foreign government would be, practically, to concede that subjects of that power help to elect our officers and administer our government. If there is a principle which is popularly precious to the heart of the country, it is that those millions of foreigners who come to our shores had the right to come, the right to stay, the right to make themselves citizens by complying with the laws, and the right, as citizens, to be defended by the government.

Resolved, That, in the United States, expatriation is considered a fundamental right, and that the doctrine of perpetual allegiance grew out of the feudal system, and became inoperative when the obligation ceased upon which that system was founded. The doctrine of expatriation cannot at this day be doubted or denied in the United States, and there is no doubt that a government having undertaken to adopt a stranger is bound to protect him like any other citizen. The nation which has naturalized him, and has thus bound itself to protect him, cannot abandon its pledges on account of the views of civil obligations which another nation may entertain.

Resolved, That the governor is hereby requested to forward a copy of these joint resolutions to the president of the United States, the secretary of state at Washington, and each of our senators and representatives of congress.

Approved February 22, 1868.

NUMBER 9.

JOINT RESOLUTION to amend the constitution of the state of Wisconsin.

Resolved by the assembly, the senate concurring, That section five of article five of the constitution of the state of Wisconsin is amended to read as follows:

SECTION 5. The governor shall receive during his continuance in office an annual compensation of five thousand dollars which shall be in full for all traveling or other expenses incident to his duties; and

Be it further resolved by the assembly, the senate concurring, That section nine of article five of the constitution of the state of Wisconsin is amended to read as follows:

SECTION 9. The lieutenant governor shall receive during his continuance in office an annual compensation of one thousand dollars.

Approved February 28, 1868.

NUMBER 10.

JOINT RESOLUTION providing stationery for certain clerks.

Resolved by the senate, the assembly concurring, That Geo. W. Stoner and E. H. Webb, assistant enrolling clerks of the senate and assembly be allowed stationery to the amount of $12,50, the same as regularly appointed clerks.

Approved February 28, 1868.

NUMBER 11.

JOINT RESOLUTION providing for furnishing musical instruments, &c., to the state reform school.

Resolved by the senate, the assembly concurring, That the quartermaster general, or other persons having the same in charge, be and they hereby are authorized to deliver to the managers of the state reform school at Waukesha, such musical instruments, guns and equipments, and one safe, as may not be in use about the capital, and may be needed at said state reform school: *provided*, that said above mentioned articles shall only be delivered upon the written approval of the governor, and duly receipted for by said managers.

Approved March 2, 1868.

NUMBER 12.

JOINT RESOLUTION instructing committee on finance of senate, and committee on ways and means of assembly to co-operate for the purpose of considering revenue bills for the state.

Resolved by the senate, the assembly concurring, That the committee on finance of the senate, and the committee of ways and means of the assembly, be and are hereby instructed to act together as a joint committee in considering the necessary bills for raising by tax the necessary revenue for the support of the state government.

Approved March 2, 1868.

NUMBER 13.

JOINT RESOLUTION authorizing the governor and others to examine and report upon a heating apparatus for the state prison.

Resolved by the senate, the assembly concurring, That the governor, state treasurer and state prison commissioner are hereby

authorized to examine into and investigate the various improved methods of warming public buildings which have been or may be presented for their consideration with reference to the selection of a suitable apparatus for the state prison at Waupun, and they are further authorized to receive proposals for warming the whole or any portion of such building, and to report the same, with the recommendation in regard thereto, for the information and action of the next legislature.

Approved March 3, 1868.

NUMBER 14.

JOINT RESOLUTION providing for the regents of the university to investigate and report relative to the specimens obtained by the geological commissioner.

Resolved, That the regents of the state university be requested to investigate and report to this or the next session of legislature the number of specimens collected by the geological commission formerly employed by the state, actually deposited in the cabinet of the state university, the number now remaining in said collection, and whether any have been removed therefrom, and by whom. Whether all the collection made by such commission have been delivered over to the state as required by law; and if not, what if any legislation is necessary to retain the present collection and secure the balance of the specimens belonging to the same, and generally, whether the objects contemplated by said commission have been fully carried out as required by the act creating the same.

Approved March 4, 1868.

NUMBER 15.

JOINT RESOLUTION relative to Miss Vinnie Ream.

Resolved by the assembly, the senate concurring, That the state of Wisconsin has just reason to be proud of the eminent skill,

as an artist, of Miss Vinnie Ream, a native of this state, and that in the opinion of this legislature, whenever the financial condition of our state shall warrant the filling of the two niches assigned to Wisconsin in the national capital with the statues of her illustrious dead, the claim of Miss Vinnie Ream to the contract for the execution of the work should be considered paramount to that of any competitor not a native of our state who may seek to obtain it.

Resolved, That the refusal of this legislature to award to her a contract for said statues at this time, is by no means based upon a want of appreciation of her work as a lady or her genius as a sculptor, but rather upon the inability of the state to incur at present the pecuniary obligations consequent on such contract.

Approved March 4, 1868.

NUMBER 16.

JOINT RESOLUTION instructing our senators and requesting our representatives, to adhere to the policy of the loyal people of the republic, as adopted by congress.

WHEREAS, The events which have very recently taken place and are now transpiring at the federal capital, are such as distinguish times of great national peril, and

WHEREAS, It is the right and duty of the people of the state, when occurrences like the present are pressing upon them, to give utterance to their will and to strengthen and support those upon whom the responsibilities of the occasion directly rest,

Be it resolved by the assembly, the senate concurring, That our senators in congress are instructed and the members of the house of representatives from this state are requested to adhere with unflinching firmness to the policy of the loyal people of the republic, adopted by congress; that they resist by all constitutional, just and efficient means, any and all attempted usurpation of power by any officer of the government; and that in this they discharge their whole duty as guardians of the rights and liberties of the people of the country.

Resolved, That we declare our confidence in the patriotism and statesmanship of the Hon. Edwin M. Stanton, secretary of war; that we admire the courage and constancy with which he

successfully resists the unwarranted attempts at executive encroachments; that we approve the action of the United States senate in restoring him to the office from which he was unjustly suspended; that it is the desire of the citizens of the state of Wisconsin, that he shall remain in the war office so long as the country is in danger from the conspiracies of its enemies, whatever be their character or position, and that we honor General Grant for that obedience to law which prompted him at once to surrender the office of secretary of war to him upon whom it was conferred by our martyred president.

Resolved, That the governor of the state is hereby requested to transmit an attested copy of the foregoing to each of our senators and representatives in congress; to the presiding officer of each house of congress, and to the honorable Edwin M. Stanton.

Approved March 6, 1868.

NUMBER 17.

JOINT RESOLUTION authorizing the attorney general to discontinue the suit against Peter Stout & Co. and others as sureties on state printing contract.

Resolved by the senate, the assmbly concurring, That the attorney general of the state is hereby authorized and directed to discontinue the suit now pending in the circuit court of the county of Dane against Peter Stout & Co. and other [their] sureties for failure to fulfill printing contract awarded to them in 1864; and said parties are hereby released from all penalties and damages arising from the non-fulfillment of said contract, on payment of costs of said suit.

Approved March 5, 1868.

NUMBER 18.

JOINT RESOLUTION authorizing the governor to appoint a committee to examine a route for a canal from the Rock to the Wisconsin river.

WHEREAS, The legislature of this state at its last session authorized the governor to appoint a committee to collect statistics relating to the Rock river improvement; and

WHEREAS, By their report it is evident that such contemplated improvement would be of great importance to the interests of the state, and should receive our fostering care and attention; and

WHEREAS, It is evident that a canal from the intersection tion of the Catfish with Rock river, through the chain of the four lakes to the Wisconsin river, at some point in the county of Sauk, would be of like importance to the interests of the state; therefore

Resolved by the assembly, the senate concurring, That the governor appoint a committee to examine said proposed route for a canal from Rock river to the Wisconsin river, whose duty it shall be to carefully examine said route, and report thereon to him before the next session of the legislature; *provided*, that the state shall not be liable for any portion of the expense of such examination.

Approved March 5, 1868.

NUMBER 19

JOINT RESOLUTION authorizing the state historical society to donate books to the orphans' home.

Resolved by the senate, the assembly concurring, That the state historical society is hereby authorized to donate to the soldiers' orphans' home such juvenile books as they can spare for that purpose.

Approved March 6, 1868.

NUMBER 20.

JOINT RESOLUTION in regard to correcting the records of the war department by expunging the names of persons erroneously returned as deserters.

WHEREAS, It appears from the transcript procured by this state from the records of the war department at Washington, giving the names of persons, who being residents of this state

have been returned and are enrolled in the office of the secretary of war as deserters from the military or naval service or from a draft duly ordered into such service, that sundry persons, some of whom have been brave and true soldiers in the national army, have been erroneously returned and recorded as deserters; and,

WHEREAS, It is fit that the republic should take care that none of its citizens may stand unjustly charged with crime upon its official records, and especially that it should jealously and tenderly watch over and vindicate the honor and good name of the faithful defenders of its flag; therefore

Resolved by the assembly, the senate concurring, That our senators in congress be instructed and our representatives requested to enquire what, if any, legislation is necessary to correct the records of the war department in relation to deserters and to enable persons erroneously enrolled as deserters to have their names expunged from such record.

Resolved further, That the governor is hereby requested to forward copies of the above preamble and resolutions to each of our senators and representatives in congress.

Approved March 6, 1868.

NUMBER 21.

JOINT RESOLUTION amending title to bill No. 19, A.

Resolved by the assembly, the senate concurring, That the title of bill No. 19, assembly, entitled "a bill to abolish the office of superintendents of county poor in the county of Dane, and vesting all powers pertaining to the same in the county board of supervisors of said county," be amended so as to read as follows: "A bill to prohibit the boards of supervisors and the superintendents of county poor to make any contract or agreements for the purchase of provisions or other things for the use of the county poor, except in their official capacity."

Approved March 6, 1868.

NUMBER 22.

JOINT RESOLUTION relative to the printing and distribution of the assessment laws.

Resolved by the assembly, the senate concurring, That the secretary of state be authorized and required to cause a sufficient number of the laws for the assessment and collection of taxes, passed by the present legislature, to be printed and distributed to the different town and city officers of this state, and that said laws be sent to the several officers at the earliest practicable period, with such instructions as to the secretary of state may seem proper.

Approved March 6, 1868.

NUMRER 23.

JOINT RESOLUTION instructing senators and representatives in congress to preserve the equilibrium between the co-ordinate branches of government.

Resolved by the senate, the assembly concurring, That the government of the United States was founded upon the theory that it was essential to the safety of the union, the protection of the rights of the people and the preservation of their liberties, that the powers of government should be distributed between and devolve upon three distinct co-ordinate departments; the executive, legislative and judicial; and that the powers and duties of each department shall be clearly defined and limited and that each should be secured in the full enjoyment and exercise of the powers conferred upon it without any encroachment or interference by any of the others; that to that end the constitution of the United States was adopted; that to unite the powers of all or any two of the three great departments of the federal government in the same hands would form a combination dangerous to public liberty and hazardous to the life of the republic, and that any attempt, come from whatever source it may, to subvert the federal constitution by consolidating the powers of the executive, legislative and judicial departments in any one of them or to restrict or interfere with the full exercise of the powers devolved upon either

and the abrogation of the rights of the citizen on the part of the judiciary as in the "Dred Scott case," and the usurpation of the powers of the legislative branch of the government by the executive, Andrew Johnson, in establishing governments in the states lately in rebellion without the authority of congress, deserves and should receive the condemnation of every patriotic citizen of the republic.

Resolved, That our senators in congress be instructed and our representatives in congress be requested to oppose by their votes and influence all measures in antagonism with the spirit of the foregoing resolutions.

Resolved, That the governor be requested to transmit a copy of the foregoing resolutions to each of our senators and representatives in congress.

Approved March 6, 1868.

MEMORIALS.

NUMBER 1.

MEMORIAL to congress for a grant of lands to build a wagon road.

To the honorable the congress of the United States:

Your memorialists, the legislature of the state of Wisconsin, would most respectfully ask for a grant of lands to the state Wisconsin, for the purpose of building a wagon road from the village of Chippewa Falls, in Chippewa county, Wisconsin, to Ashland, in the county of Ashland, in the state of Wisconsin.

Your memorialists further respectfully represent that there is at present a large tract of country, lying between Chippewa Falls and Ashland, that is unsettled and unavailable, because of its inaccessibility; and the contemplated wagon road between the points mentioned, will be the means of opening the country to emigrants who are desirous of settling there, and will result in great benefit to this state and to the general government.

And your memorialists will ever pray.

Approved January 10, 1868.

NUMBER 2.

MEMORIAL to congress for an appropriation to complete the harbor improvements at Manitowoc.

To the honorable senate and house of representatives of the United States:

The memorial of the legislature of the state of Wisconsin respectfully represents:

That the town of Manitowoc has received and expended in improving the harbor at the mouth of the Manitowoc river, in the county of Manitowoc, state of Wisconsin, the sum of twenty thousand dollars.

That the appropriations hitherto made by congress to be expended in the improvement of said harbor are insufficient to complete the same.

That the estimates of Col. J. B. Wheeler, United States engineer, based upon actual survey and calculation, show that the further sum of forty-five thousand dollars will be required to complete such improvements.

That without further aid than that already provided the said harbor will be of very limited benefit to the present and rapidly increasing commercial and lumbering interests of the state of Wisconsin; and that portion of the improvements already made will be in great danger of suffering great damage, if not actual destruction, at an early day.

Your memorialists, therefore, ask that the further sum of forty-five thousand dollars be appropriated for the completion of said harbor; and that said appropriation be made in time so that the same may be expended in the present year.

The secretary of the state is hereby requested to furnish a copy of this memorial, duly certified under his hand and the seal of the state of Wisconsin, to the president of the United States, and the president of the senate and speaker of the house of representatives, and to each of our senators and representatives in congress.

Approved January 24, 1868.

NUMBER 3.

MEMORIAL of the legislature of the state of Wisconsin to congress, asking for extra pension for Richard D. Dunphy.

To the honorable senate and house of representatives of the United States:

Your memorialists represent that Richard D. Dunphy was twenty-three years of age on the 20th day of November, A. D. 1867; that on the 17th day of December, A. D. 1863, he shipped at the city of New York in the naval service of the United States, and continued in such service until the 5th day of August, A. D. 1864, when, while on the flag ship, Hartford, under the command of Admiral D. G. Farragut, and in action in Mobile Bay, he was struck by the fragment of a shell from the rebel ram, Tennessee, and was so injured that he lost both his arms; that he has a wife, and one child aged ten months, dependent upon his labor for support; that he is entirely disabled and is the only person that served in the navy during the late war who lost both his arms and is living; that he is a citizen of the state of Wisconsin.

Your memorialists, therefore, respectfully petition congress, at its present session, to grant unto the said Richard D. Dunphy an extra pension, sufficient for the support of himself and his family.

Approved January 24th, 1868.

NUMBER 4.

MEMORIAL to congress for an appropriation for the improvement of the Chippewa river in the state of Wisconsin.

To the senate and house or representatives of the United States:

The memorial of the legislature of the state of Wisconsin respectively represents:

That the Chippewa river, and its tributaries furnish to the large territory of the Chippewa valley, the only highway for

the export of its agricultural products, and immense quantities of lumber; is the only highway for the import of all the various kinds of merchandise necessary for the use and developement of this extensive section of country. From the mouth of said river, upward some fifty miles, the banks are low, the soil sandy, and the bed of the stream wide, so that during the season of low water the navigation for rafts of logs, lumber and steamboats is difficult, occasioning great expense and delay. The said Chippewa river gives to the Mississippi river a large amount of freight, and is one of its most important tributaries. During the last season not less than six steamboats were daily running upon it, and an aggregate of 150 million feet of lumber went out of said river, with a constantly increasing traffic of up and down freight and passengers. It is estimated that the sum of fifty thousand dollars expended in removing obstructions, deepening the channel, daming sloughs and confining the water to one channel, would so improve the river as to make the navigation good during the whole season. Therefore your memorialists respectfully ask that such aforesaid amount be appropriated for the improvement of the Chippewa river, thereby greatly benefiting and assisting the growth and developement of this large district of our state, in common with like benefit bestowed upon other portions of our common country. The governor of the state of Wisconsin is hereby requested to transmit a copy of this memorial to each of our senators and representatives in congress, and also one to the president of the senate and speaker of the house of representatives.

Approved February 8, 1868.

NUMBER 5.

MEMORIAL for an appropriation to construct a harbor at the mouth of the Menomonee river.

To the honorable the senate and house of representatives of the United States:

The memorial of the state of Wisconsin respectfully represents:

That the present vast and rapidly increasing lumbering interests and commerce of the northern portion of the state of

Wisconsin, requiring the tonnage of a larger number of steamers and vessels, demand for its maintenance and for the convenience and safety of vessels engaged therein, the construction of a harbor at the mouth of the Menomonee river, Oconto county, in the state of Wisconsin; that the yearly lumber production of the region, which naturally seeks an outlet through the Menomonee river, exceeds one hundred twenty million feet, and that there is no safe resort or harbor for the commerce of the lakes between the ports of Green Bay and Escanaba, a distance of one hundred and twenty miles; that the population of said section, and the business there carried on, is rapidly and yearly increasing, and the present conveniences of commerce are entirely inadequate to its wants.

Your memorialists, therefore, respectfully ask that a reasonable sum of money be appropriated for the purpose of constructing a harbor at the mouth of the Menomonee river for the convenience and safety of the commerce of the lakes.

The chief clerks of the senate and assembly are requested to furnish a copy of the above memorial to the president of the senate and the speaker of the house of representatives, and to each of our members of congress.

Approved Febuary 8, 1868.

NUMBER 6.

MEMORIAL for additional mail service between Lone Rock in Richland county, and Ironton in Sauk county.

To the honorable the senate and house of representatives of the United States in congress assembled:

The memorial of the legislature of the state of Wisconsin respectfully represents:

That the interests of a large number of the inhabitants of the counties of Richland and Sauk, in this state, would be greatly enhanced by additional mail service on the present mail route number 13,185, making Cazenovia in Richland county, a point on said route, and that the service may be semi-weekly instead of weekly, as it now is.

Your memorialists respectfully ask that the additional service required by this memorial may be ordered at the earliest practicable period.

Approved February 8, 1868.

NUMBER 7.

MEMORIAL to congress for a mail route.

To the honorable the senate and house of representatives in congress assembled:

The memorial of the legislature of the state of Wisconsin respectfully represents:

That the interests and convenience of a large number of the inhabitants of Clark county, in the state of Wisconsin, require the establishment of a mail route from Neillsville, in the county of Clark, to Graves' Mills, in the county of Clark (via Moseley's Corners, George Huntsuer's), a distance of twenty miles.

Your memorialists would therefore respectfully ask that the aforesaid mail route may be established and that the service be put on at as early a day as practicable.

Approved February 8, 1868.

NUMBER 8.

MEMORIAL to congress for a grant of land to aid in the improvement of Rock river.

To the senate and house of representatives of the United States:

The memorial of the legislature of the state of Wisconsin respectfully represents:

That the importance of improving Rock river, so as to connect the navigable waters of the state of Wisconsin and the great lakes with the Mississippi river and its tributaries, has already attracted the attention of the general government; that in the year of 1866, congress ordered a survey of said river to be made at the public expense; that said survey amply demonstrated the practicability of the proposed improvement, to the published report of which your memorialists respectfully ask the attention of congress.

The improvement referred to contemplates the construction of a canal and slack water navigation from Fond du Lac, on

lake Winnebago, in Wisconsin, to Rock Island, in Illinois, a distance of 285 miles. It penetrates the most productive and richest agricultural and commercial sections of the west. The largest and most flourishing cities in the state are upon its line. A larger number of people are interested in its construction than in any single line of railroad ever projected in Wisconsin. Its natural aspects are fully discussed in the report of the survey of General Wilson, already referred to, so that those arguments need not be recapitulated in this appeal.

Your memorialists, therefore pray that a donation of lands may be made to the state for the benefit of this great improvement, to be disposed of in such manner and under such restrictions as the legislature of Wisconsin may direct.

The governor is hereby requested to forward a copy of this memorial to each of our senators and representatives in congress, with the request that they will use all necessary efforts to accomplish its object.

Approved February 14, 1868.

NUMBER 9.

MEMORIAL to the postmaster general for a semi-weekly mail route from the city of Green Bay to Ahnepee, in Kewaunee county, through the towns of Scott and Green Bay, in Brown county, and through the towns of Red River and Lincoln, in Kewaunee county. Also for the establishment of a postoffice in the town of Lincoln, in said Kewaunee county.

To the honorable the postmaster general of the United States:

The memorial of the legislature of the state of Wisconsin represents:

That the interests and convenience of a large number of inhabitants of the counties of Brown and Kewaunee, in said state, would be greatly benefited by the establishment of a semi-weekly mail route from the city of Green Bay, in said Brown county, through the towns of Scott and Green Bay, of said county, and through the towns of Red River and Lincoln to Ahnepee, in said Kewaunee county.

Also respectfully ask the establishment of a postoffice in the town of Lincoln, in said Kewaunee county.

Your memorialists would further respectfully ask, that the said mail route and postoffice be established as aforesaid at the earliest practicable period.

Approved February 14, 1868.

NUMBER 10.

MEMORIAL to congress for an extension of time for the construction and completion of the military road from Fort Wilkins, Copper Harbor, Kewenaw county, Michigan, to Fort Howard, Green Bay, in the state of Wisconsin.

To the honorable the senate and house of representatives of the United States:

The memorial of the legislature of the state of Wisconsin respectfully represents:

That pursuant to an act of the legislature of this state, approved April 4th, 1864, accepting the grant of lands made by an act of the congress of the United States, to aid in the construction of a military road from Fort Wilkins, Copper Harbor, Kewenaw county, Michigan, to Fort Howard, Green Bay, in the state of Wisconsin, approved March 3d, 1863, there has been built seventy miles of said road, between Fort Howard and the Michigan state line, and that the remainder of the road between the last named points is under contract, and is being prosecuted with diligence by a responsible contractor, but that the nature of the work is such that it will be impossible to complete it within the time allowed by the act of congress of March 3d, 1863, which provides that if said road is not completed within five years the lands unsold shall revert to the United states.

Your memorialists do therefore respectfully ask, that in view of the amount already expended upon the work, and of the necessity and importance of the road, not only to the people of Michigan and Wisconsin, but to the country at large, an extension of time be granted to the said states of Wisconsin and Michigan for the completion of said road; and your memorialists do further represent, that two years additional time will in all probability be necessary to ensure the completion of the work in the manner required by congress. They do therefore pray that an act or joint resolution be passed, at an early day, extending the time for the completion of said road to the 3d of March, 1870.

Approved February 19, 1868.

NUMBER 11.

MEMORIAL to congress, in relation to the project of connecting, by navigable channels through the Fox and Wisconsin rivers, the waters of the Mississippi with the waters of lake Michigan.

To the honorable the senate and house of representatives of the United States, in congress assembled:

Memorial of the legislature of Wisconsin respectfully represents:

That the project of connecting the Mississippi river and lake Michigan, by navigable channels through the Fox and Wisconsin rivers, has heretofore received the attention of congress.

Its growing importance to the country, the northwest and the state, becomes each year more apparent; and each year, for six successive years, has induced the legislature of Wisconsin to memorialize congress.

The subject of connecting the Mississippi and the lakes, has been considered by the people, met in local, county, state and national conventions; by boards of trade; and by the legislatures and governors of states; and without exception, by resolution, memorial and message, all have united in recognizing its importance and in urging upon congress attention and action in relation thereto. The character of the undertaking is alike apparent to congress, the legislatures and the people. It is rendered necessary as a military measure, to protect, against inroad and attack, a frontier extending from the Atlantic to the Pacific; as a commercial measure, to enlarge the already inadequate outlets for an increasing commerce, thereby lifting from freights, and ultimately from the people, extortionate tariffs; and as a measure, otherwise national, to establish, out of avenues of intercourse and trade, bonds of national unity.

Whatever can be said of the national importance of connecting these waters by any channel, is equally true in reference to this channel. Nature unaided, has, by way of the Fox and Wisconsin rivers, almost effected the desired connection. Aided by a few dams and locks and altogether not to exceed five miles of canal, a channel, having in all but extraordinary stages of low water, a navigable depth of four feet for one third of the way and nearly three feet the remainder, reaching a distance of over one hundred and fifty miles, from Green Bay, upon lake Michigan, to Portage city, upon the Wisconsin, has been opened to regular commerce. Boats of light draft, in

the ordinary stages of water, can now pass from lake Michigan to Portage city, and down the Wisconsin into the Mississippi river. Boats of three and four feet draft, have, in stages of high water, repeatedly made the passage. Late in June, 1867, the Brooklyn, a steamboat of three hundred tons burthen, loaded at Green Bay, and, without detention, delivered her cargo at the port of St. Paul.

Estimates of the cost of deepening and completing this channel, have been made under the direction of congress, by Major General G. K. Warren. His report (other than preliminary) has not been made; or if made, has not been seen by your memorialist. But, judging from the present condition of the work, the conformation of the country, the nature of the materials at hand, and the supply of water, your memorialist is constrained to believe that the cost will be comparatively inexpensive, and may not exceed for a channel of four feet in low water, one-fourth, or of six feet, two-thirds, or of nine feet, three-fourths of the cost of a like channel in any other state.

The quantity of the water and the size of the locks are greater than in the Erie canal, permitting the passage of flat-bottomed and larger boats, so that the depth of four feet in the rivers, is estimated for the purposes of commerce equal to at least six feet in the canal,' an estimate strengthened by the fact that the motive on the canal is horse power, and on the rivers steam.

With the channel extended to the Mississppi and reduced to a uniform low water depth of four feet, commerce will find relief in an outlet with capacity little less than the Erie canal. Estimating the average price per bushel for moving grain by rail from the Mississippi to lake Michigan at twenty-nine cents, and by water not to exceed fourteen cents, and estimating the quantity of grain exported yearly from Minnesota at ten millions of bushels, from Iowa twenty, Wisconsin fifteen, and northern Illinois fifteen, in all sixty millions of bushels, and upon the movement eastward of this, a single crop, the saving will be nine millions of dollars. Add to this the saving upon western freights, and it appears that in a single year a sum will be saved, exceeding four fold the probable cost of the work. It may be said that, coming in competition with railroads, the grain will not go all by water, and therefore the estimate is incorrect. Whether moved by rail or water, the grain must go at approximately water rates.

The navigable waters which it is proposed to improve and develope, and the carrying places between the same, are common highways, declared such by the ordinance of 1787, and

are of the class of navigable waters over which the general government has invariably retained control, and to improve which it has long been its policy to make appropriations.

For these reasons your memorialist respectfully invites the attention of congress to the subject, and while a necessity for economy in the administration of national affairs is apparant, yet in the opinion of your memorialist the pressing importance of an early completion of this work, will justify congress at its present session in undertaking the same. Be it therefore

Resolved by the senate, the assembly concurring, That the governor be and he is hereby authorized and requested to affix his official signature hereto, and forward a copy of this memorial to the president of the United States, the president of the senate, the speaker of the house of representatives, and to each of our senators and representatives in the congress of the United States.

Approved February 19, 1868.

NUMBER 12.

MEMORIAL to the postmaster general for increase of mail service on mail route 13,142, from Madison to Sauk.

The memorial of the legislature of the state of Wisconsin would respectfully represent:

That the interests and convenience of a large number of the patrons of the several postoffices on mail route 13,142, from Madison to Sauk, would be materially enhanced by an increase of service on said mail route, as follows: One additional mail each way per week. And your memorialists respectfully ask that the same may be immediately established.

Approved February 21, 1868.

NUMBER 13.

MEMORIAL to congress for the confirmation of the title to unsurveyed islands in the Wisconsin river.

To the senate and house of representatives of the United States:

The memorial of the legislature of the state of Wisconsin respectfully represents:

That there are in the Wisconsin river numerous small unsurveyed islands, the title to which is claimed by the state, and that said title is and always has been in dispute; and that if the title to said unsurveyed islands were secured to the state, they could in many instances be used or disposed of in such manner as to be of great benefit to the state and to the inhabitants along the line of said Wisconsin river.

Your memorialists, therefore, pray that a donation or a confirmation of the title to such islands may be made to the state, to be disposed of in such manner as the legislature of Wisconsin may direct.

The governor is hereby requested to forward a copy of this memorial to each of our senators and representatives in congress, with the request that they will use all necessary efforts to accomplish its objects.

Approved February 21, 1868.

NUMBER 14.

MEMORIAL to congress to remove the restrictions to the further entry of public lands with "agricultural college script" in the state of Wisconin.

To the senate and house of representatives of the United States:

The memorial of the legislature of the state of Wisconsin respectfully represents:

That the entry of large bodies of pine and timber lands in the state of Wisconsin with "agricultural college script," has proved beneficial to the people and to the state, as the greater

part of the lands so entered have been timber lands, and remote from the agricultural districts, thus bringing them under taxation, which proves of great benefit to the counties where they are situated and also to the state at large.

Your memorialists, therefore, pray that any and all restrictions which prevent further entries in this state, of the public lands, with said script, be removed, and that further entries with said script be permitted without limit; also that all entries now made, if in excess of the present law, be allowed to remain good and valid, as your memorialists believe that the further entries of lands with such script will in the future, as in the past, prove to be a public benefit, and without injury to any.

The governor is hereby requested to forward one copy of this memorial to each of our senators and representatives in congress.

Approved February 22, 1868.

NUMBER 15.

MEMORIAL to congress for the improvement of the St. Croix river, bordering the states of Wisconsin and Minnesota, and asking an appropriation therefor.

To the honorable the senate and house of representatives of the United States:

The memorial of the legislature of the state of Wisconsin respectfully represents:

That the volume of water of the St. Croix river is about equal to that of the Mississippi above its junction with the St. Croix, between Prescott and St. Paul.

That said river is navigable and is navigated, during what is called the good stage of water, by the largest class of steamboats which navigate the upper Mississippi river above the city of St. Louis.

That there are several bars in said St. Croix river; one at Catfish bluff, and one just above the city of Hudson, and other bars between the city of Stillwater and the village of St. Croix Falls and Taylor Falls, which are great impediments to

navigation, and which ought to be and could be removed at slight expense.

Your memorialists therefore respectfully ask that twenty-five thousand dollars be appropriated from the national treasury for this purpose.

Approved February 22, 1868.

NUMBER 16.

MEMORIAL to congress concerning lands granted to the state of Wisconsin, to aid in the building of a railroad from lake St. Croix to lake Superior.

To the honorable, the congress of the United States:

The memorial of the legislature of the state of Wisconsin respectfully represents:

That the lands granted to said state by an act of congress, approved June 3d, 1856, have been, in effect, out of market during the eleven years last past; that the same were in accordance with the conditions of said act bestowed by the state upon a corporation to aid in the building of a railroad; that said corporation has not completed said railroad, nor any part thereof, and that the settlement of the counties in which said lands are located has been greatly retarded by reason of the retention from sale of said lands, and the prosperity and wealth of the state has consequently been adversely affected thereby.

Your memorialists do therefore respectfully remonstrate against any further extension by your honorable body of time in which to complete said road, unless said company shall before making application to congress for such extension, build, equip and put in complete running order (40) forty continuous miles of said road.

Approved March 4, 1868.

NUMBER 17.

MEMORIAL for an appropriation of $75,000 to improve the harbor at Bayfield.

To the honorable, the congress of the United States:

Your memorialists, the legislature of the state of Wisconsin, would most respectfully ask for an appropriation of $75,000 for further improvement of the harbor of Bayfield, which is a much frequented haven at the northwest point of the state.

Your memorialists further respectfully represent that such an appropriation would be of great benefit to the numerous steam and sail vessels frequenting the port of Bayfield with the objects of commerce and safety, and would also tend to the development of the adjacent country, whose vast mineral, timber and agricultural resources require such a commodious outlet and inlet as the improved harbor would present, for the purpose of accommodating the active trade with the ports throughout the length and breadth of the chain of the great lakes, and which annually increases, resulting in great benefit to this state and to the general government.

And your memorialists will ever pray.

Approved March 4, 1868.

NUMBER 18.

MEMORIAL to congress for a grant of land to aid in the construction of the Wisconsin river valley railroad.

To the honorable the senate and house of representatives of the United States in congress assembled:

The memorial of the legislature of the state of Wisconsin respectfully represents:

That the Wisconsin river valley railroad, starting from a point at Kilbourn City, on the Wisconsin river, and terminating at Trappe Rapids, in the county of Marathon, will be a work of great importance when completed, and will open to settlement a large extent of country that is now unprovided

with railroad facilities; and that the country between Kilbourn City and Trappe Rapids embraces many of the most extensive lumbering manufactories in the state, as well as large quantities of the richest farming and pine lands in the state, and it only requires an avenue through it to cause immigration to flow in and more thickly settle up this section of the country. The region of country is now as well settled as it can be without railway facilities.

Therefore, your memorialists respectfully ask, that a grant of land be made to the Wisconsin river valley railroad company to aid in the construction and completion of said railroad.

The governor of the state of Wisconsin is hereby respectfully requested to transmit a copy of this memorial to each of our senators and representatives in congress, and also one copy to the president of the senate and speaker of the house of representatives of the United States.

Approved March 5, 1868.

NUMBER 19.

MEMORIAL to congress for the establishment of a daily mail route from Evansville, in the county of Rock, *via* Albany to Monticello, in the county of Green, Wisconsin.

To the honorable the senate and house of representative of the United States in congress assembled:

The memorial of the legislature of the state of Wisconsin respectfully represents:

That the the interest and convenience of a large and rapidly increasing population require the establishment of a daily mail route from Evansville, on the Chicago and northwestern railroad, *via* the village of Albany to Monticello, in the county of Green.

Your memorialists, therefore, respectfully ask for the establishment of such daily mail route.

Approved March 5, 1868.

NUMBER 20.

MEMORIAL to congress for a light house on the point of the reef at Bailey's harbor.

To the senate and house of representative of the United States:

The memorial of the legislature of the state of Wisconsin shows:

That there is a new light house to be built at Bailey's harbor the coming season, and that there is a new light house about one half mile from the point of a reef extending into lake Michigan, in a south easterly direction; that where the light house now stands it is impossible for masters of vessels to determine how far they are from the light in the night; that there has been quite a number of vessels gone on the reef, and the value of property destroyed since 1860 is about $75,000; that on the point of the reef there are two to three feet of water; that a foundation could be built comparatively cheap compared to the amount of property that would be lost by the light house being built on the ground where the old light house now stands; that there is plenty of timber and stone near by at hand to build the foundation.

Your memorialists therefore respectfully ask that an additional sum of money be appropriated for the purpose of building the foundation for the light house on the point of said reef, as your memorialists believe would be paid in a ten-fold proportion.

Approved March 6, 1868.

NUMBER 21.

MEMORIAL to congress for an appropriation of $75,000 to improve the harbor of Superior.

Your memorialists, the legislature of the state of Wisconsin, would most respectfully ask for an appropriation of $75,000, to improve the harbor of Superior, which is a much frequented haven at the northwest point of the state.

Your memorialists further respectfully represent that such an appropriation would be of great benefit to the numerous steam and sail vessels frequenting the port of Superior, with the objects of commerce and safety, and would also tend to the development of the adjacent country, whose vast mineral, timber and agricultural resources require such a commodious outlet and inlet, as the improved harbor would present, for the purpose of accommodating the active trade with the ports throughout the length and breadth of the chain of great lakes, and which annually increases, resulting in great benefit to this state and to the general government.

And your memorialists will ever pray.

Approved March 6, 1868.

NUMBER 22.

MEMORIAL to the postmaster general for an increase of mail service on route No. 13,037, from North Prairie station, Waukesha county, to Fort Atkinson, in Jefferson county, Wisconsin.

The memorial of the legislature of the state of Wisconsin respectfully represents:

That the semi-weekly mail service, on mail route No. 13,037, from North Prairie station, Waukesha county, to Fort Atkinson, in Jefferson county, Wisconsin, is inadequate to the wants and convenience of the people, and the establishment of a tri-weekly mail service is respectfully asked for over said route.

Approved March 6, 1868.

NUMBER 23.

MEMORIAL for the location of a lighthouse on Outer island, in lake Superior.

To the honorable the congress of the United States:

Your memorialists, the legislature of the state of Wisconsin, would most respectfully ask for the location of a lighthouse

on Outer island, in lake Superior. This island is the easternmost of a dangerous group of islands lying off a point right on the course of vessels bound in and out of the important and much frequented harbor of Superior.

Your memorialists further respectfully represent, that consideration for the safety of the many lives and vessels exposed to the perils of these dangerous islands, urgently demands that Outer island should be supplied as speedily as possible with a suitable lighthouse.

And your memorialists will ever pray.

Approved March 6, 1868.

STATE OF WISCONSIN, } ss.
SECRETARY'S OFFICE, }

The secretary of state of the state of Wisconsin does hereby certify, that the laws, joint resolutions and memorials published in this book, have been compared with the originals, deposited in this office, and that they appear to be correctly printed.

In testimony whereof I have hereunto set my hand and affixed the great seal of the state at the capitol, in
[L. S.] Madison, this 20th day of April, 1868.

THOS. S. ALLEN, *Secretary of State.*

LIST OF APPROPRIATIONS.

Date.	*No.*	*To whom and for what appropriated.*	*Amount.*
Feb. 14	1	Hiram Bowen, preparing report on the improvement of Rock river,	$ 111 20
Feb. 14	2	Thomson & Roberts, printing copies of report of committee on Rock river,	150 00
Feb. 20	3	Wm. M. Morse, appraising swamp lands, lake Horicon, 1867,	498 00
Feb. 28	4	E. J. Smith, arresting A. E. Follett and Henry J. Allen,	892 70
Feb. 29	5	Henry Cordier, state prison commissioner, materials and current expenses,	40,000 00
Mch. 2	6	Aaron V. Fryer, completing reports of committee on claims,	250 00
Mch. 2	7	State hospital for the insane, indebtedness and current expenses,	80,000 00
Mch. 2	8	State reform school, additional building,	10,000 00
.....	..	State reform school, current expenses,	20,500 00
.....	..	State reform school, indebtedness,	4,500 00
Mch. 2	9	State institute for deaf and dumb, deficiency past year,	11,000 00
.....	..	State institute for deaf and dumb, current expenses,	27,000 00
Mch. 2	10	Institute for the blind, current expenses,	18,000 00
Mch. 2	11	Institute for the blind, enlarging institute,	60,000 00
Mch. 2	12	Soldiers' orphans' home, current expenses,	40,000 00
Mch. 2	13	Soldiers' orphans' home, erecting school building,	12,000 00
Mch. 2	14	St. Armidius orphan asylum, South Point, Milwaukee county,	500 00
Mch. 2	15	St. Mary's orphan school, Elm Grove, Waukesha county,	1,500 00
Mch. 2	16	St. Joseph's orphan asylum, Milwaukee,	500 00
Mch. 2	17	St. Rose's orphan asylum, Milwaukee,	500 00
Mch. 2	18	Protestant orphan asylum,	500 00
Mch. 2	19	Milwaukee hospital,	1,000 00
Mch. 2	20	St. Mary's hospital, Milwaukee,	4,100 00
Mch. 2	21	Members of committee on benevolent instutions, expenses, each $25,	325 00
Mch. 4	22	F. B. Clark, money erroneously paid state for land,	135 83
Mch. 4	23	Members of state prison joint committee, expenses, each $15,	120 00
Mch. 4	24	Milwaukee home for the friendless,	3,000 00
Mch. 4	25	Governor, freight on British patent office reports,	500 00
Mch. 4	26	H. W. Spaulding, chaplain of the senate,	150 00
Mch. 4	27	E. W. Young, telegraphing by order of assembly,	3 50

Date.	*No.*	*To whom and for what appropriated.*	*Amount.*
Mch. 5	28	Daniel Delaney, loss of eyes while working on heating apparatus in capitol,.....	200 00
Mch. 5	29	Commissioners appointed under chap. 36, general laws 1867, preparing report,.....	600 00
Mch. 5	30	Superintendent public property, stationery,.....	10,000 00
Mch. 6	31	C. H. Richards, E. G. Reed, M. L. Kimball, J. E. Irish, J. C. C. Clark and J. M. Thuringer, chaplains of assembly, each $25,.....	150 00
Mch. 6	32	Asher H. Nichols, appraising swamp lands, lake Horicon, 1867,.....	263 00
Mch. 6	33	J. H. Underwood, balance due for sinking artesian well in capitol park,.....	765 00
Mch. 6	34	Shelmadine & Shelton, of Columbus, erroneous payment into state treasury,.....	26 68
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Mch. 6	37	Jacob B. Shibley and Jas. M. Stebbins, reward for arrest of David Shearer,.....	400 00

STATE OF WISCONSIN, } ss.
OFFICE OF THE SECRETARY OF STATE, }

I, Thos. S. Allen, secretary of state of the state of Wisconsin, do hereby certify, that I have compared the foregoing list with the original acts of appropriations deposited in this office, and that the same is a complete list of all appropriations made at the last session of the legislature.

In witness whereof, I have hereunto set my hand and affixed the great seal of the state, at the capitol, in Madison, this 20th day of April, A. D. 1868.

[L. S.]

THOS. S. ALLEN, *Secretary of State.*

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